United States America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 100th CONGRESS, SECOND SESSION

SENATE–*Wednesday, February 17, 1988*

(Legislative day of Monday, February 15, 1988)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable WILLIAM PROXMIRE, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Our Heavenly Father, our hearts are saddened at the news of the death of Vividell McDonald. We thank You for her amazing service in the Senate dining room and ask Your blessing and comfort upon those who mourn her loss.

God of Abraham, Isaac, and Israel, the word of Moses to his people commands our attention: "Beware that thou forget not the Lord thy God * * * Lest when thou hast eaten and art full, and hast built goodly houses, and dwelt therein; And when thy herds and thy flocks multiply, and thy silver and thy gold is multiplied, and all that thou hast is multiplied * * * Then thine heart be lifted up, and thou forget the Lord thy God * * *."—Deuteronomy 8:11-14.

Gracious God, help us hear the words of President Abraham Lincoln, setting apart a day for National Humiliation, Fasting, and Prayer: "It is the duty of nations as well as men to owe their dependence upon the overruling power of God * * * and to recognize the supreme truth announced in Holy Scriptures and proven by all history, that those nations only are blessed whose God is the Lord * * * intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the Lord that made us * * * we have grown in numbers, wealth, and power as no other nation has grown—but we have forgotten God * * * it behooves us then to humble ourselves, to confess our national sins, and to pray for clemency and forgiveness."

So help us God. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 17, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WILLIAM PROXMIRE, a Senator from the State of Wisconsin, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. PROXMIRE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order the majority leader is recognized.

OUR CHAPLAIN'S REMINDER

Mr. BYRD. Mr. President, I thank the Chaplain for his reminder to us that the Nation is blessed when it puts its faith in the Lord—blessed is the nation whose God is the Lord—and when he also boldly stated the truth that this Nation has forgotten God.

Except the LORD build the house, they labour in vain that build it: except the LORD keep the city, the watchman waketh but in vain.

I am thankful that we have men like the Chaplain of the Senate who constantly remind us of the need for depending upon God, looking to him for guidance, placing faith in him, and following his precepts and his teaching, remembering, too, that had 50 righteous men been found in Sodom, God would have spared it; had 40 been found, He would have spared it; had 30 been found, He would have spared it; had 20 been found, He would have spared it.

He has spared America. And who are we to say that it is not because there are those who are still praying, God-fearing people, who at night, while some of us may be sleeping, are praying so that God may have mercy upon our land. So even though they may be the minority, it may be that that minority is keeping America within the good graces of the Creator of all things, He who rules in the destinies of men and nations.

I thank the Chaplain again.

RECOGNITION OF THE ACTING REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the standing rules the Republican leader is recognized.

Mr. SIMPSON. Mr. President, I thank the majority leader. I am always stunned by the ability he has to recall phrases and philosophies in the past and his remarkable memory and the rich faith of the majority leader that I have seen on more than several occasions.

VIVIDELL McDONALD

Mr. SIMPSON. Mr. President. I, too, thank the Chaplain for his remarks as we deal with the shocking news of our friend Vividell, which is truly just that, and an unknown, hideous tragedy. She was such a spirited lady, so courteous and kind and friendly to us all.

Many of us attended her lovely wedding within this year.

Her death is an appalling thing, unknown.

So, as the fine Chaplain says, and I would paraphrase that certainly, we end up knowing where to turn when we do not know where to turn, and that is to a faith in a higher being.

So certainly we must draw deeply on that in times of tragedy and in times of turmoil as we grapple with the issues of this country.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

God bless her family.

CAMPAIGN FINANCING REFORM

Mr. SIMPSON. Mr. President, I just have a comment. I have been greeted in the morning papers from Wyoming with a full-page ad—which at least does not show me without my hairpiece—and it says "Senator SIMPSON," and it is full page "Stop blocking campaign finance reform."

One would never dream that my friend Archibald Cox would be up to that, but there is Archie's face which is in a rather strained condition there. I would not want to show this.

This is the top of the page, "Senator SIMPSON" and then, the evils of your loyal correspondent, "Stop blocking campaign finance reform."

It surprises me that Arch would do that. He was my professor in labor law at the University of Colorado when I took some extra hours on the GI bill. He is a good softball player. We had a lot of fun together. I have had some nice visits with him since I came to Washington, and he is a splendid man—he really is—and a spirited man, and he is the chairman of Common Cause. But on this one somehow his zeal has overcome his intellectual capabilities.

That is a statement in itself, because there is no one brighter, no one more honest, no one who I think commands the respect of the American people more than Arch Cox, of Watergate fame and labor law fame and who was my professor at Colorado University during a summer session.

But there is a reason, a very simple reason why some of us on this side of the aisle are blocking campaign reform. To us, it is a matter of survival. Let us forget some of the other aspects of it.

We can all talk about campaign reform. I am for campaign reform. I have worked on that. There are Members on both sides of the aisle who have worked for campaign reform. It would be very unfortunate to portray this as a Republican-Democrat issue.

The differences on what is "reform" are what has caused the controversy here. Supporters of this bill are claiming some kind of exclusive knowledge as to what is reform and they support S. 2 and nothing more. I do not think that is the way we do our business. We have never done it here before.

S. 2 is seriously flawed. And if we want to get down right to the nub of it—and I like to do that with my friend the majority leader and he does that with me—if this bill passed in its present form, there will never be another Republican majority in the Senate for 40 years. Now that is a good reason for us to hang on by our thumbs.

So forget all the romance of what it is and Arch Cox and the national ads. The issue is the Republican Party, this side of the aisle, will not achieve a majority in this body for 40 years. Well, we tasted a little of that majority. We loved it. It was a rich wine. We would like to do that again sometime and maybe we will have the opportunity. But we will never have it under S. 2. Now that is the way it is. So you can forget all the other stuff as we talk about corruption and scandal and hideousness and the whole works.

And the other issue is public financing. Public financing is not "public financing." It is, that is, "taxpayer financing." I do not get a lot of mail from my consituents telling me to go spend taxpayers' money to send me back here. They are not really interested in that.

Look at what we are spending on the Presidential campaigns. That is taxpayer financing. It is not public financing. It is you out there.

The limitations in this bill, there is a limited expenditure in it. How much can you spend? We already had a Supreme Court decision that said you can spend anything you want of your own to get elected under the first amendment, believe it or not. I thought that was a stitch.

But I am ready to take PAC's down a long way, take them from 5 to 3 to 2. But look at S. 2. We gave up talking about PAC's. That was originally the pitch. The pitch was PAC's. Forget PAC's. There is nothing in there that takes PAC's down in any sense at all. I am ready to do that. Take them down to 1,000; take them down to 2. Raise an individual's limit. Let an individual give 10 grand or 15 grand, list his name, address, business, what is in it for him. Let him contribute. That would be better than what we do now with $1,000 each.

Now, that is the problem we started with, was PAC's. And there is so little in here about PAC's that it ought to be an embarrassment.

But the other issue is very simple. You are going to do a number on the Republicans with regard to limiting the amount of expenditure and assuring that we will never have an opportunity to come back here, because this is an incumbent's blue plate zephyr special. And at least maybe we will get 46 of them that will wind up in here because that is what we have now. This is an incumbent's dream.

All I am saying to you, if those on the other side of the aisle, Democrats and Republicans alike—there are both sides; this is not a partisan issue. Hear that. Do not be duped by that. They want to then deal with soft money which is an egregious caper that we go though in this Nation. If they want to deal with in-kind contributions and phone banks and the things that wipe us out and wiped out three of our people the last time—2 days before the election, when suddenly the phone banks cranked up and, on three of our incumbents, the phone visit was very simple: "You wouldn't vote for a man that took away your Social Security, would you?" And that was the end of that. Three of our incumbents are out doing other work. Now that is what we are talking about.

If they will get serious with us on soft money, in-kind contributions, we will get serious with them on taxpayer financing and limiting PAC's. It is called fairness. It is called debate. It is called honesty.

Mr. BYRD. Will the Senator yield?

Mr. SIMPSON. Yes, I would certainly yield to the majority leader.

Mr. BYRD. Would he also get serious with us on limiting overall campaign spending?

Mr. SIMPSON. Mr. President, certainly. We can deal with that if we deal with others. Overall campaign expenditures is not off the table. We will put everything on the table.

I will submit to the majority leader, I know he is working toward a compromise or at least toward debate, and I will present on behalf of the minority leader today a list of four persons from the other side of the issue who are ready to sit down and talk—people of thoughtful mien and demeanor. We will present those and I hope that the majority leader might. I think this was a seed of the majority leader. We will present our 4 and 4 from that side of the issue and see if we cannot sit down and see what we are going to do.

Because another vote right now would likely have the same result as it has had seven times—seven times we have done this exercise. And we are going to do it an eighth.

I appreciate the majority leader not calling for cloture at this time because I think that the 4 on 4 group will make some progress. At least that is my sincere hope.

I thank the majority leader sincerely.

Mr. BYRD. Mr. President, I thank the distinguished assistant Republican leader.

I think the arguments have shifted here. First, it was public financing that was the problem with Senate Republicans. And then, when Senator BOREN and others and I modified our approach to eliminate a very high percentage of that so-called public financing, we still got nowhere. We did not pick up a single additional vote from the other side of the aisle.

Then the minority position was taken that the objection was still public financing, and there would be no give by the Republican conference on the point of limitation of campaign spending. And I have not seen any evidence of any give on that point yet.

Now we hear from my good friend, the distinguished Republican leader, who is not here today but he has said

before, that the problem with this bill is that it would bring about the extinction of the Republican Party in the Senate. Now that is a strawman, that is a bugaboo. And we will be discussing this in its greater entirety today and in the days ahead.

But I say to my dear friend on the other side of the aisle that if the Republicans in the Senate want to discuss the other items to which he has referred, then let us vote for cloture. Let us get on with the debate.

One of the important reasons why we need to invoke cloture on this measure is so that we will eliminate nongermane amendments. Right now we have an amendment pending that would provide, I believe, up to $270 million in Contra aid. Imagine that amendment on this bill. And then there is an amendment to that amendment that has to do with the Monroe Doctrine. So if we could invoke cloture, we would rid the stage of nongermane amendments and get on with dealing with the real subject matter of the bill before us.

As far as I am concerned, I am going to do my best in trying to reach out across the aisle. I shall appoint Senator BOREN, Senator MITCHELL, Senator EXON, and Senator LEVIN as the four Senators on this side to discuss with four Senators on the other side of the aisle any areas of possible accommodation. But in the final analysis, I have to say that there can be no genuine campaign financing reform unless and until there is a cap put on campaign expenditures. There has to be a limitation put on campaign expenditures.

Let us, then, proceed and make the case today and tomorrow. I have been in no hurry to offer a cloture motion, and I do not intend to offer one today or tomorrow; and I would like to bring this matter to a conclusion as early as possible within the bounds of reasonable debate.

I welcome the opportunity to debate this matter. I think it is one of the most important issues facing the country today. I am not sure that the American people have yet become fully alerted to the danger that the present system poses to the legislative branch of our Government and to the system of representative democracy. But when they do become fully alert to these dangers, there are going to be some changes made.

We saw the changes made with respect to Presidential campaign financing reforms, and there is going to be a groundswell of hue and cry from the people of this country to reform of campaign financing of congressional elections.

Now, whether it will happen in this instance I do not know. I hope it will. But whether or not it does, the American people at some point are going to rise up and say: "We have had enough. We have had enough of this."

They perceive us all as being beholden to the special interest groups that make contributions to our election and reelection efforts and they see that increasingly. I can understand how they would perceive it in that way.

The Senator from Wyoming and I and our colleagues are victims of the present system. We have to live with the present system. If we hope and expect to continue in public service—and some of us do want to continue in public service—we have to live by the system as it is. But we need to try to change it, and the opportunity is here to change it. Senator BOREN and others and I are not saying that this bill is the 100-percent solution; or that there should not be a word in this bill changed; or that it is the perfect response to the problem. We do not say that.

We do say, let us invoke cloture, avoid the nongermane amendments of the nature that I mentioned a moment ago, and get on with trying to work together among ourselves and within both parties to find a solution to this nagging problem which is getting worse, not better, and which will continue to get worse, not better.

Mr. SIMPSON. Mr. President, let me certainly ascribe to what the majority leader has said, that it is more, indeed, than a nagging problem. It is an embarrassment to us all.

I am going to present those four names a little later in the morning. I have another person to contact while the minority leader is now in Washington.

True reform has to deal not just with money. It has to deal with process and who benefits from the PAC's? In the House, we have people who seem to benefit much more from PAC's than those of us over here. PAC money goes into the House by the metric ton and it preserves the seat. I think only 9 percent of the incumbents were overturned the last time in the House of Representatives; 7 or 9 percent. The majority leader knows those figures, as he prepares for the introduction of the bill. That is wrong. But true reform is an all-encompassing thing.

Not only have the arguments shifted, the whole bill has shifted because the first Boren PAC bill curtailed PAC's and so it did again in the last Congress, it did curtail PAC's. But not this time when it came out of committee. It did not curtail PAC's.

So I think, too, Mr. President, we ought to consider the issue of honorariums. They have become quite pervasive. You now can walk through a building, shake a few hands, and pick up $2,000 and legitimately so under the law as a maximum honorarium.

Those ought to be addressed. I think they are just as bad in the course of things as PAC contributions or individuals contributions.

(At this point Mr. BYRD assumed the chair.)

Mr. SIMPSON. Mr. President, when the majority leader assumes the chair, it is time to terminate the remarks of the assistant minority leader.

Therefore, I have concluded my remarks.

MORNING BUSINESS

The PRESIDING OFFICER. The time for the two leaders has expired. Under the order there will now be a period during which morning business will ensue and Senators will be permitted to speak for not to exceed 5 minutes.

The Chair recognizes the Senator from Wisconsin [Mr. PROXMIRE].

NUCLEAR ARMS CUT OF 50 PERCENT OR MORE: THE CONSEQUENCES

Mr. PROXMIRE. Mr. President, can we progressively reduce the number of nuclear warheads in our deterrent and still maintain the credibility of that deterrent? Here is a critical upcoming issue in arms control. Our nuclear deterrent has kept the peace. It can continue to keep the peace for many years in the future. For 42 years there has been no war in Europe. There has been no superpower war. Why? One simple reason. Because countries armed with nuclear power today fully understand that a nuclear war would mean a certain double knockout. Both sides would lose. Both sides would be totally devastated. Both sides would sacrifice most of their population. Indeed, before it were finished, a nuclear war could destroy civilization.

All this is certainly true in a world in which both the United States and the Soviet Union each have more than 10,000 strategic warheads. The National Academy of Science recently announced that if 1 percent, that is 100 of these U.S.S.R. nuclear warheads struck American cities, we would instantly suffer the worst human disaster in history—35 to 50 million Americans would die. It is worse. The more nuclear weapons possessed by each side, the greater the likelihood of an accident. Thousands of these nuclear weapons are deployed, ready to fire within minutes, on order. Yes, both sides have, indeed, imposed tight, centralized control. But it is control by all too fallible human beings. For years we have been living with the danger that on one side or the other the control would be breached. In the United States or in France or in the United Kingdom and, of course, in the Soviet Union, every day, 24 hours a day, marvelous, complex technologies scan the skies in search of a missile that may be on the way. All nuclear powers are ready to respond instantaneously and

in kind to nuclear attack. There have been reliable reports of close calls. We have been hours, maybe minutes away from incineration. What can we do to reduce danger of accidental war? Consider: we could reduce the number of nuclear weapons on both sides. Indeed, both President Reagan and Secretary Gorbachev have agreed in principle to follow the INF Treaty with an agreement to cut both nuclear arsenals roughtly in half. That would seem to be a big first step in diminishing the terrrible prospect of an accidental nuclear war. Would it?

Unfortunately, the reduction of the number of nuclear weapons would have to be accomplished in a way that would not reduce the credibility of either the deterrent of the United States or the U.S.S.R. In an excellent article in the January 11, New York Times, Kosta Tsipis spells out how this could be done. Dr. Tsipis is the director of the program in science and technology for international security at MIT. He writes that our sea-based deterrent currently stands at 5,620 warheads. Those warheads are on only 31 submarines, nearly 200 per submarine. Tsipis argues that since only half of our submarines are safely at sea at any time, we should not limit the number of submarines carrying warheads. Since our subs carry up to 192 warheads, and since agreements must assume that each sub carries the maximum number of warheads for which it has been designed, a reduction of the number of our missiles much below 50 percent would mean the retirement of most of our submarines. Our sea-based deterrent is the most credible leg of our nuclear triad. It would lose much of its credibility if we cut the number of submarines at sea at any time from 15 down to 7 or maybe 5. It would be at least conceivable that the U.S.S.R. could track and destroy almost simultaneously such a small fleet. They don't have the technology to do this now. They could conceivably develop such a technology in a decade or so.

For this reason Dr. Tsipis recommends we promptly halt production and deployment of MK's and Trident submarines. He recommends we start two research programs: first, on a small, single warhead, silo-based ICBM; second, on a "small, quiet, missile-carrying submarine with advanced nonnuclear propulsion to carry no more than one-thirtieth of the total sea-based missiles." Tsipis wants the total number of subs to be 30 so that at least 15 are always at sea.

The Tsipis plan makes sense. But it also suggests a caution. What is the prime reason for reducing the colossal size of the superpower arsenals? Certainly the reduction of the prospect of accidental nuclear war is such a reason. But do we reduce the prospect of accidental nuclear war when we have far fewer warheads, but about the same number of silo-based ICBM's and submarines? The number of nuclear weapon deployments would be about the same. The only difference would be that each deployment would have fewer warheads. Tsipis argues that the reductions he suggests would have little or no effect on the defense budgets. The additional cost of research, development production and deployment of the new fewer warheads deployments would be offset by the savings in operations and maintenance cost for the older more numerous warheads.

This Senator agrees with Kosta Tsipis that we can and should tailor our deterrent to the limitations imposed by major reductions in the number of warheads permitted to both sides. But we should be aware that this adjustment to maintain the credibility of our deterrent is only bought at the price of sharply reducing progress toward the prime purpose of nuclear arms reduction—the diminution in the prospects of accidental nuclear war.

Here's why: we might sign an agreement with the Soviet Union eventually to cut nuclear warheads by 50 percent or 70 percent or even more. But since we would continue with the same number of submarines—each with fewer warheads than at present, and land-based silos—each with a single warhead, we would not reduce the number of individual people each of whom would be in a position to make the fatal error that could kick off the holocaust.

Mr. President, I ask unanimous consent that the article to which I referred from the January 11 New York Times entitled "If Arms Were Cut 50 Percent" by Kosta Tsipis be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 11, 1988]

IF ARMS WERE CUT 50 PERCENT

(By Kosta Tsipis)

CAMBRIDGE, MASS.—So great are the excesses of the era of nuclear overkill that the American and Soviet strategic nuclear arsenals can be reduced by 50 percent—and more—without risking security. Political, military and psychological reasons strongly point toward the wisdom of reductions; the time appears propitious on both sides.

But some experts are nervous about deep cuts—and they are right. Cuts must be made carefully, as in cancer surgery, rather than amputation.

The closer we come to the minimum numbers of nuclear explosives needed for deterrence, the closer attention we must pay to the characteristics of the nuclear arsenal. An arsenal of 6,000 warheads or less must be structured differently from an arsenal of 12,000 warheads if an equal deterrent is to be maintained.

The key is crisis stability. To achieve that, nuclear arsenals must be structured so that neither nation could hope to destroy with a surprise attack more of the other side's warheads than the number of warheads it would itself expend in attacking.

How should a United States nuclear arsenal drastically reduced by mutual agreement with the Soviet Union be structured? Quite simply, it should contain no multiple-warhead, land-based intercontinental ballistic missiles, and its sea-based warheads should be carried on small submarines bearing only a few missiles with a few warheads on each.

A land-based missile in a concrete silo is a fixed target. It takes two or at most three warheads per target to guarantee a reasonable probability of knocking out a missile in a silo. So a land-based ICBM with more than two warheads is, in principle at least, an attractive target and, therefore, destabilizing in a reduced strategic arsenal. The MX missile, with 10 warheads, is out of the question.

Our sea-based deterrent currently stands at 5,620 warheads on 31 submarines. If we agree to cut back our total of 12,000 warheads by more than 50 percent, and we want to maintain the balance of the three legs (air, land and sea) of our strategic triad, we will have fewer warheads to deploy at sea. Since only half of our submarines are safely at sea at any one time, we must take care not to limit the number of submarines carrying those warheads.

By previous agreement with the Soviet Union—and for eminently sensible reasons—a missile on a submarine is counted as carrying the maximum number of warheads that it has ever been tested with. Our Trident and Poseidon submarines carry up to 192 warheads. Therefore, our current subs are not suitable carriers for the sea-based leg of a reduced strategic nuclear arsenal: They place too many eggs in each basket, which means too few baskets when the total number of eggs is cut.

If the Administration is serious about significant nuclear reductions, it should begin to restructure our deterrent even while negotiations are underway. Toward this end, it should take these steps:

Halt all development, testing, procurement, production and deployment of the MX's and Tridents.

Start research on a small, single-warhead silo-based ICBM so that the arithmetic alone would discourage a pre-emptive attack.

Begin research on a small, quiet, missile-carrying submarine with advanced non-nuclear propulsion able to carry no more than one-thirtieth of the total sea-based missiles. That is, the total number of submarines must be about 30, so that at least 15 are always at sea.

For example, if our long-range goal for the era of reductions beyond 50 percent cuts were a nuclear arsenal with 360 of its warheads based at sea, then we should design (and test) the new, small submarine to carry four missiles with three warheads each. If we choose to plan for 600 sea-based warheads, each submarine should be designed to carry no more than 20 warheads, etc. By comparison, Trident submarines now in our arsenal carry almost 200 warheads.

In building a new, small submarine, we should have a strategic plan. Some experts on the Soviet Union have said that the Soviet Union aims ultimately for arsenals of 600 total warheads (a more than adequate deterrent, given the small number of nuclear weapons required to destroy either country).

Our own strategic goal should be clearly in mind as we plan for security during the

negotiation period and flexibility for the possibility of drastic reductions.

Two completely new classes of weapons carriers have been recommended here to reduce the nuclear arsenals without jeopardizing our national security, risking the invulnerability of our deterrent forces or increasing the temptation for a Soviet first strike.

Will these reductions then increase our defense budget?

Not at all. The costs of research and development on the single-warhead ICBM and the small submarine would about equal the $2 billion savings from canceling further production of the MX and the Trident submarine.

When production is in sight, of course, costs will rise. But by then, if all goes well, many of our older weapons will be retired, which will represent a substantial savings in operations and maintenance costs.

With historic reductions in nuclear arms within our grasp, we must quickly develop new approaches to security. It isn't too soon to start.

WHY CONGRESS SHOULD ENACT GLASS-STEAGALL REPEALER

Mr. PROXMIRE. Mr. President, on February 8, the U.S. Court of Appeals for the Second Circuit rendered a landmark decision, Securities Industry Association versus Board of Governors of the Federal Reserve.

In short, this decision underscores the need for this Congress to enact comprehensive financial regulatory reform legislation. And I think the decision argues specifically for the type of solution that I, along with Senator JAKE GARN, have crafted in the Financial Modernization Act.

To review, the court affirmed the Federal Reserve Board's orders of April 30 and May 18, 1987, which held that bank holding company affiliates, not principally engaged in securities activities, could, to a limited extent, underwrite and deal in certain classes of securities for which banks are otherwise ineligible under the Glass-Steagall Act: municipal revenue bonds, mortgage-related securities, and commercial paper.

The court's decision, and the Federal Reserve Board orders upheld by the decision, merit serious attention by the Senate for four reasons:

First, the decision establishes that moving beyond the Glass-Steagall policy of separating securities and banking businesses involves no radical change in the law. On the contrary, the court has found that it is embodied in current law. The change has already been made. The regulators and the courts have recognized that, due to worldwide technological and commercial realities, securities and banking have to a significant extent converged. Under these circumstances, perpetuating the arbitrary and partial separation inherent in keeping Glass-Steagall on the books defeats the very policies it was originally designed to promote, for it weakens the competitiveness and financial soundness of banks while it denies consumers of financial services the benefits of free competition. As the Fed stated in the decision affirmed last week by the second circuit:

> The proposed de novo participation [of bank subsidiaries] would have the beneficial effect of substantially increasing competition, particularly in the highly concentrated commercial paper market, with the substantial expected public benefits of lowering financing costs as well as providing greater convenience to customers and increased efficiency in the proposed services.

Second, in its orders, the Federal Reserve Board properly imposed a "firewall" to isolate a bank holding company's securities and banking activities. Many of these safeguards, which the second circuit's decision has now affirmed, are the same as those contained in S. 1886. Specifically, both the affirmed Federal Reserve Board orders and the Proxmire-Garn bill require separation of banking and securities affiliates; a series of protections against interaffiliate lending and sharing of customer information; and full disclosure of the relationship between banking and securities affiliates to customers and other interested parties. The Financial Modernization Act, then, is not a radical departure from the current legal and regulatory structure governing U.S. financial institutions. The legislation is clearly in line with the types of safeguards which the Federal Reserve Board has adopted in its orders over a period of several years.

Third, the decisions of the Federal Reserve and the court thoroughly considered, and specifically rejected, each of the arguments made by the Securities Industry Association, not only in their briefs to the Fed and the court, but in their testimony before the Senate Banking Committee. In opposing new competition, the SIA and its allies have pointed to asserted potential conflicts of interest, asserted damage to public confidence in the safety and soundness of deposits, and alleged unfair competition from bank affiliates. I urge my colleagues to consider carefully the Federal Reserve Board's findings rejecting the entire cornucopia of these charges, as we address the question of legislative restructuring.

Fourth, we need to review these regulatory and court actions because, while they highlight the need and the proper approach to reform, they show that only through comprehensive statutory change can we assure that the benefits of reform are distributed promptly, broadly, and fairly.

The limited classes of securities underwriting authorized for bank affiliates under the new decision will primarily, and perhaps exclusively, benefit the customers of only a handful of very large banks based in New York City. Due to peculiar quirks in the Glass-Steagall provisions at issue, as interpreted by the Fed, no more than 5 percent of the bank holding company affiliate's gross revenue may be generated by the new securities activities. Because many local and regional bank holding company affiliates do not generate sufficient revenue to yield a profit on this small percentage of revenue permitted for the new securities activities, the local and regional companies are likely to pursue these new lines of business.

Moreover, the decisions authorize the bank entry into only specified securities markets. These do not include some of the markets potentially most important to nonmoney center banks, their customers, and the economy as a whole—underwriting corporate debt and equity issues. In order to help businesses around the country have access to capital through their commercial banks as well as far-off investment banks, complete repeal of Glass-Steagall is needed.

Because of the many changes in our financial marketplace, and in anticipation of court action, I have joined with the ranking member of the Banking Committee to craft comprehensive legislation. I believe that S. 1886, the Financial Modernization Act, represents a sound approach to financial law.

LITHUANIAN INDEPENDENCE DAY

Mr. PROXMIRE. Mr. President, today marks the 70th anniversary of the declaration of independence of Lithuania. This land is filled with people whose national feelings run strong and deep, but whose country has been occupied by the Soviet Union since 1940. This action by the Soviet Union was sanctioned in the Molotov-Ribbentrop Pact and its secret protocols. Since this date the Soviet Union has refused to allow Lithuania and the other occupied Baltic States to function as free and independent nations.

Today, the approximately 1 million Americans of Lithuanian descent in the United States will celebrate this anniversary without fear of reprisal or harassment. In Lithuania, however, those who are planning to take part in the peaceful demonstrations to commemorate this day must fear retribution from the Soviet Union. In the past those who have participated in public demonstrations have been harassed and abused. This situation is deplorable.

The brave people of Lithuania are not allowed to practice religious and political freedom because they are subject to Soviet domination. Since Soviet leader Gorbachev has remarked on the "enormous and unforgivable" crimes of Stalin, I call on him to renounce Stalin's decision to occupy Lithuania and the other Baltic States

end its occupation of these nations, and recognize the right of these states to function freely and independently.

A PRESIDENTIAL FIELD TO TAKE PRIDE IN

Mr. PROXMIRE. Mr. President, both the Democratic and Republican candidates for President this year have gotten a bad rap. Somehow there is a general public perception that the candidates of both parties running for President represent a weak conglomeration of mental midgets, dull, dumb, and grossly underqualified. Is that wrong? It's ridiculously wrong. In fact this may be the best qualified field of people who have run for our highest office in many years. The many debates have been deeply impressive. Here are candidates who know what they are talking about. They understand the issues that confront the country. They discuss them sensibly. Of course, many of their answers to tough questions are unsatisfactory to many of us. In many cases any, and I mean any, answer to the tough questions of fiscal and trade policy and war and peace would be unsatisfactory to many and in some cases to most of us.

The fact is that this country is blessed this year—1988—with a field of brilliantly qualified men. Any one of them could make a good, perhaps a very good, President. Considering the enormous challenge and difficulty of serving as an effective President of the United States and the crucial importance to our country of electing a President who can do this difficult job, the fact is that America is lucking out. We are on our way to electing a President who will certainly make mistakes, who will surely disappoint many people but who will give us the kind of leadership we yearn for.

For these reasons, Mr. President, I ask unanimous consent that an article by Robert Keith Gray, who was secretary of the Cabinet in the Eisenhower administration, headlined "A Presidential Field To Take Pride In," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, Feb. 22, 1988]

A PRESIDENTIAL FIELD TO TAKE PRIDE IN

(Robert Keith Gray)

On the night of Nov. 8, 1988, amid crumpled speech texts, spent confetti and chants of triumph, one of the current candidates for President will stand victorious. His motives will have been challenged, his integrity questioned, his human shortcomings revealed, but he will have survived, having passed all the moral litmus tests by which we now measure candidates. But if we truly seek to measure their abilities to lead the nation and solve its pressing problems, we should give that moral yardstick a rest.

In a startling opinion poll recently, respondents said they would like the next First Family to emulate the values and integrity of the Huxtables of television's "Cosby Show." It may be that the public looks to the candidate to embody the dramatized, principled dignity of a popular television family. Unfortunately, political reality does not operate like a sitcom.

Pity today's candidates. They face media that have assumed a lofty judgmental position and a public that equates political reality with television fare aimed at a couch potato.

If the original field of presidential candidates had been a trio, I suppose someone would have referred to them as "The Three Wise Men." With far less accuracy, the Democrats' entries were collectively dubbed "The Seven Dwarfs."

That does the whole system a disservice. Who can remember an election in which both parties offered voters so great a choice among candidates with good backgrounds, yet discernible differences and proposed directions for change? When was the last time Republicans and Democrats could have been consoled if they thought their second or even third choice might win?

Nearly 20 years ago, a U.S. senator was ridiculed when he tried to defend the qualifications of a Supreme Court nominee with the statement that "mediocrity deserves representation, too." I believe he was attempting to suggest the value of identifying with the foibles and flaws inherent in some measure in all of the 239 million of us who together form this country. The candidates before us have their personality and characteristics. But mediocre they are not.

Today's field stands on established records of service. In some cases, that service is measured in decades, in a variety of jobs which they have sometimes carried out under considerable fire. Among the candidates of both parties, three graduated Phi Beta Kappa, two *magna cum laude.* Three have been governors; four, senators; eight, U.S. representatives. All but one are college graduates and the one exception, Paul Simon, has authored 10 books, has an exemplary record of 30 years in elective office and his prolific mind is evidenced in a weekly newspaper column.

Five have been successful businessmen. There have been six lawyers, three authors, two chairmen of their national political parties. One was an all-star professional quarterback. Seven have served on presidential commissions. One was supreme allied commander, White House chief of staff and Secretary of State; one a vice-presidential candidate and both majority and minority leader of the U.S. Senate. They have seen service in the National Guard, the Army, the Marines, the Navy and at West Point.

Many totalitarian countries give their citizens the vote, but no choice of candidates. This year, we have a dozen who are willing to face grilling media, grueling schedules and a mercurial public. We have a group willing to place personal and political reputations on the line. We are well served by their efforts.

The next President of the United States is among these candidates. While we are entitled to our preferences—I certainly have mine—I think we can be proud of a field that demonstrates both the variety and the strength of the national talent pool.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SHELBY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Four minutes remain for morning business under the standing order.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SENATORIAL ELECTION CAMPAIGN ACT

The PRESIDING OFFICER. The clerk will report the unfinished business.

The legislative clerk read as follows:

A bill (S. 2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

The Senate resumed consideration of the bill.

(NOTE.—When the Senate resumed consideration of the bill on February 1, 1988, an incorrect version of the bill was printed in the RECORD at page S 331, in that the bill was star printed by order of August 7, 1987. Therefore, the Senate proceeded to consider the bill as star printed on August 7, 1987, the text of which is as follows:)

That this Act may be cited as the "Senatorial Election Campaign Act of 1987".

SEC. 2. The Federal Election Campaign Act of 1971 is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) unless otherwise provided in this title the definitions set forth in section 301 of this Act, except the provisions of section 301(9)(B)(vi), apply to this title;

"(2) the term 'authorized committee' means, with respect to any candidate for election to the office of United States Senator, any political committee which is authorized in writing by such candidate to accept contributions or make expenditures on behalf of such candidate to further the election of such candidate;

"(3) the term 'candidate' means an individual who is seeking nomination for elec-

tion, or election to the office of United States Senator and such individual shall be deemed to seek nomination for election, or election, if such individual meets the requirements of subparagraph (A) or (B) of section 301(2);

"(4) the term 'election cycle' means—

"(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election;

"(5) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive benefits under this title;

"(6) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(7) the term 'general election period' means the period beginning on the day after the date of the primary or runoff election, whichever is later, and ending on the date of such general election or the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first;

"(8) the term 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate, and the spouse of any such person, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate's spouse and the spouse of any such person.

"(9) the term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, the Presidential Election Campaign Fund Act, provided that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(10) the term 'primary election' means any election which may result in the selection of a candidate for the ballot of the general election;

"(11) the term 'primary election period' means the period beginning on the day following the date of the last Senate election for the same Senate office and ending on the date of the first primary election for such office following such last Senate election for such office, or the date on which the candidate withdraws from the election or otherwise ceases actively to seek election, whichever occurs first;

"(12) the term 'runoff election' means the election held after a primary election, and prescribed by applicable State law as the means for deciding which candidate(s) should be certified as nominee(s) for the Federal office sought;

"(13) the term 'runoff election period' means the period beginning on the day following the date of the last primary election for such office and ending on the date of the runoff election for such office;

"(14) the term 'Senate Fund' means the Senate Election Campaign Fund maintained pursuant to section 506 by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(15) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"ELIGIBILITY TO RECEIVE BENEFITS

"SEC. 502. (a) To be eligible to receive benefits under this title, in addition to the requirements of subsection (d), a candidate shall, within 7 days after qualifying for the general election ballot under the law of the State involved or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, whichever occurs first—

"(1) certify to the Commission under penalty of perjury that during the period beginning on January 1 of the calendar year preceding the year of the general election involved, or in the case of a special election for the office of United States Senator, during the period beginning on the day on which the vacancy occurs in that office, and ending on the day of such certification, such candidate and the authorized committees of such candidate have received contributions in an amount at least equal to 10 cents multiplied by the voting age population of such State or $150,000, whichever is greater, up to an amount that does not exceed $650,000;

"(2) certify to the Commission under penalty of perjury that all contributions received for purposes of paragraph (1) have come from individuals and that no contribution from such individual, when added to all contributions to or for the benefit of such candidate from such individual, was taken into account to the extent such amount exceeds $250;

"(3) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended for the primary election, more than the amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b), or more than $2,750,000, whichever amount is less;

"(4) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended for any runoff election, more than an amount equal to 20 percent of the general election spending limit applicable to such candidate pursuant to section 503(b);

"(5) certify to the Commission under penalty of perjury that 75 per centum of the aggregate amount of contributions received for purposes of paragraph (1) have come from individuals residing in such candidate's State;

"(6) certify to the Commission under penalty of perjury that at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(7) agree in writing that such candidate and the authorized committees of such candidate—

"(A) have not made and will not make expenditures which exceed the limitations established in section 503, except as otherwise provided in this title;

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election involved except to the extent that such contribution is necessary to defray expenditures for such election that in the aggregate do not exceed the amount of the limitation on expenditures established in section 503(b), unless otherwise provided in this Act;

"(D) will deposit all payments received under this section in an account insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(E) will furnish campaign records, evidence of contributions and other appropriate information to the Commission; and

"(F) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(8) notify the Commission of their intention to make use of the benefits provided for in section 504.

"(b) For the purposes of subsection (a)(1) and paragraph (2)(B) of section 504(a), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a gift of money made by a written instrument which identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from any person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to the total amount of all other contributions made by such individual to or for the benefit of such candidate beginning on the applicable date specified in paragraph (4) of this subsection; and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election involved or received after the date on which the general election involved is held shall be taken into account, and in the case of a special election, no contribution received prior to the date on which the vacancy occurs in that office or received after the date on which the general election involved is held shall be taken into account.

"(c) The threshold amounts in subsection (a)(1) shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in such section shall mean the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(d) In addition to the requirements of subsection (a), to be eligible to receive benefits under this title a candidate shall, on the day such candidate files as a candidate for the primary election—

"(1) file with the Commission a declaration of whether or not—

"(1) such candidate and the authorized committees of such candidate intend to make expenditures, for the primary election, more than an amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b), or more than $2,750,000, whichever amount is less;

"(2) such candidate and the authorized committees of such candidate intend to make expenditures, for any runoff election, more than an amount equal to 20 percent of the general election spending limit applica-

ble to such candidate pursuant to section 503(b); and

"(3) such candidate and the authorized committees of such candidate intend to make expenditures, for the general election, more than an amount equal to the general election spending limit applicable to such candidate pursuant to section 503(b).

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) No candidate who is entitled to a benefit in a general election under this title shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, or incur personal loans in connection with such candidate's campaign for the Senate, aggregating in excess of $20,000, during the election cycle.

"(b)(1) Except as otherwise provided in this Act, no candidate who is entitled to a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(A) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(B) in States having a voting age population over 4 million, 30 cents multiplied by 4 million, plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(2) Notwithstanding the provisions of paragraph (1), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population of 4 million or less, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(c) The limitations on expenditures in subsections (b), (d), and (e) shall be subject to the provisions of subsections (b) and (c) of section 504.

"(d) No candidate who is otherwise eligible to receive benefits for a general election under this title may receive any such benefits if such candidate spends for the primary election, more than the amount equal to 67 percent of the limitation on expenditures for the general election as determined under subsection (b), or more than $2,750,000, whichever amount is less.

"(e) No candidate who is otherwise eligible to receive benefits for a general election under this title may receive any such benefits if such candidate spends for a runoff election, if any, more than an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b).

"(f)(1) For purposes of this section, the amounts set forth in subsections (b), (d), and (e) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(2) The limitation set forth in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with this Act; provided however that—

"(A) such fund contains only contributions (including contributions received in excess of any amount necessary to defray qualified campaign expenditures pursuant to section 313) received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate total amount of contributions to, and expenditures from, such fund do not exceed 10 percent of the limitation on expenditures for the general election as determined under subsection (b); and

"(C) no transfers may be made from such fund to any other accounts of the candidate's authorized committees, except that the fund may receive transfers from such other accounts at any time.

In the event that, subsequent to any general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from the fund in excess of the limitations of this paragraph, the candidate may petition the Commission for a waiver of such limitations up to any additional amounts as the Commission may authorize in connection with such waiver. Any waiver, or denial of a waiver, by the Commission under this paragraph shall be subject to judicial review under section 508. Any money remaining in such fund when the candidate decides to terminate or dissolve such fund, shall be—

"(i) contributed to the United States Treasury to reduce the budget deficit, or

"(ii) transferred to a fund of a subsequent campaign of that candidate.

"(g) If, during the primary and runoff period portion of the two-year election cycle preceding the candidate's general election, independent expenditures by any person or persons aggregating an amount in excess of $10,000 are made, or are obligated to be made, in opposition to a candidate or for the opponent of such candidate, the limitations provided in subsections (d) and (e), as they apply to such candidate, shall be increased for that primary or runoff election in an amount equal to the amount of such expenditures made during the period covered by such election.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO BENEFITS

"SEC. 504. (a) Except as otherwise provided in section 506(c)—

"(1) all eligible candidates shall be entitled to—

"(A) the broadcast media rates provided under section 315(b)(3) of the Communications Act of 1934;

"(B) mailing rates provided in section 3629 of title 39 of the United States Code; and

"(C) payments under section 506 equal to the aggregate total amount of independent expenditures made or obligated to be made, in the general election involved, by any person in opposition to, or on behalf of an opponent of such eligible candidate, as such expenditures are reported by such person or determined by the Commission under subsection (f) of section 304;

"(2) if any candidate in the same general election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election—

"(A) an eligible candidate who is a major party candidate shall be entitled to receive a payment under section 506 in an amount equal to—

"(i) two-thirds of the amount of the limitation determined under section 503(b) with regard to such candidate when a candidate in the same election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 100 percent of such limitation determined under section 503(b); and

"(ii) one-third of the amount of the limitation determined under section 503(b) with regard to such candidate when a candidate in the same election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 133⅓ percent of such limitation determined under section 503(b); or

"(B) an eligible candidate who is not a major party candidate shall be entitled to matching payments under section 506, equal to the amount of each contribution received by such eligible candidate and the candidate's authorized committees, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) contributions required to be raised under section 502(a)(1) shall not be eligible to be matched; and

the total amount of payments to which a candidate is entitled under this subparagraph shall not exceed 50 percent of the amount of the limitation determined under section 503(b) applicable to such candidate.

"(b) A candidate who receives payments under paragraph (1)(C) or (2) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the provisions of section 503(b).

"(c)(1) A candidate who receives benefits under this section may make expenditures for the general election without regard to the provisions of subparagraph (A) of section 502(a)(7) or subsection (a) or (b) of section 503 if and when any candidate in the same general election not eligible to receive payments under this section either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed the amount of 133⅓ percent of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(2) A candidate who receives benefits under this section may receive contributions for the general election without regard to the provisions of subparagraph (C) of section 502(a)(7) if any major party candidate in the same general election is not eligible to receive benefits under this section, or if and when any other candidate in the same general election who is not eligible to receive benefits under this section raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 75 percent of the amount of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(d) Benefits received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for such candidate. Such benefits shall not be used (1) to make any payments, directly or indirectly, to such

candidate or to any member of the immediate family of such candidate, (2) to make any expenditure other than expenditures to further the general election of such candidate, (3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made, or (4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) No later than 48 hours after an eligible candidate files a request with the Commission to receive benefits under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a)(1) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund, plus the amounts of revenue the Secretary projects will accrue to the Fund during the remainder of the period ending on December 31 of the year of the next Presidential election, equal 110 percent of the amount the Secretary projects will be necessary for payments under subtitle H of the Internal Revenue Code of 1986 during such remainder of such period. The monies designated for the Senate Fund shall remain available without fiscal year limitation.

"(2) On May 15 of each year following the year during which a regularly scheduled biennial Senate election has occurred, the Secretary shall determine the total amount in the Senate Fund, and evaluate if such amount, plus the amount of revenue it projects will accrue to the Senate Fund (based on the computation made by the Secretary with respect to the Fund, as provided in paragraph (1)) during the period beginning on such date and ending on December 31 of the year of the next regularly scheduled biennial election, exceeds 110 percent of the total estimated expenditures of the Senate Fund during such period. If the Secretary determines that an excess amount exists, the Secretary shall transfer such excess to the general fund of the Treasury of the United States.

"(b) Upon receipt of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate involved in the certification, out of the Senate Fund, the amount certified by the Commission.

"(c)(1) If at the time of a certification by the Commission under section 505 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Fund are not, or may not be, sufficient to satisfy the full entitlement of all such eligible candidates, the Secretary shall withhold from such payment such amount as he determines to be necessary to assure that an eligible candidate will receive a pro rata share of such candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient monies in the Senate Fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient monies in the Senate Fund to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives his or her pro rata share of his or her full entitlement. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 505.

"(2) If the provisions of this subsection result in a reduction in the amount to which an eligible candidate is entitled under section 505 and payments have been made under this section in excess of the amount to which such candidate is entitled, such candidate is liable for repayment to the Fund of the excess under procedures the Commission shall prescribe by regulation.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 per centum of the eligible candidates of each major party and 10 per centum of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any amount of any benefit made to a candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 per centum of the amount of such benefit.

"(d) If the Commission determines that any candidate who has received benefits under this title has made expenditures which in the aggregate exceed by 5 per centum or less the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that any candidate who has received benefits under this title has made expenditures which in the aggregate exceed by more than 5 per centum the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure.

"(f) Any amount received by an eligible candidate under this title may be retained for a period not exceeding sixty days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during this general election period. At the end of such sixty-day period any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Fund.

"CRIMINAL PENALTIES

"SEC. 507A. (a) No candidate shall knowingly or willfully accept benefits under this title in excess of the aggregate benefits to which such candidate is entitled or knowingly or willfully use such benefits for any purpose not provided for in this title or knowingly or willfully make expenditures from his personal funds, or the personal funds of his immediate family, in excess of the limitation provided in this title.

"(b) Any person who violates the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any benefit under this title, or to whom any portion of any such benefit is transferred, knowingly and willfully to use, or authorize the use of, such benefit or such portion except as provided in section 504(d).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report), to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title, or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any benefits received by any candidate, or the authorized committees of such candidate, who receives benefits under this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal benefit in connection with any benefits received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary for deposit in the Fund, an amount equal to 125 percent of the kickback or benefit received.

"JUDICIAL REVIEW

"SEC. 508. (a) Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 509. (a) The Commission is authorized to appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears, pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 510. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each payment required; and

"(4) the balance in the Presidential Election Campaign Fund, and the balance in the Senate Fund and any other account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 511. There are authorized to be appropriated to the Commission for the purpose of carrying out functions under this title, such sums as may be necessary.".

SENATE FUND

SEC. 3. Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "$1" each place it appears in that subsection and inserting in lieu thereof "$2"; and

(2) by striking out "$2" each place it appears in that subsection and inserting in lieu thereof "$4".

BROADCAST RATES

SEC. 4. Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended by striking the semicolon and inserting in lieu thereof the following: ": Provided, That in the case of candidates for United States Senator in a general election, as such term is defined in section 501(6) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive benefits under title V of such Act and such candidate is identified or identifiable during 50 percent of the time of any broadcast of a political announcement or advertisement by such candidate;".

REPORTING REQUIREMENTS

SEC. 5. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as such term is defined in section 501(6), or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, whichever occurs first, each such candidate in such election shall file with the Commission a declaration of whether or not such candidate intends to make expenditures in excess of the amount of the limitation on expenditures for such election, as determined under section 503(b).

"(2) Any declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of such declaration. Such amended declaration may not be amended or changed further.

"(e)(1) Any candidate for the United States Senate who qualifies for the ballot for a general election, as such term is defined in section 501(6)—

"(A) who is not eligible to receive benefits under section 502, and

"(B) who either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 75 percent of the amount of the limitation determined under section 503(b) for such Senate election,

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or obligated to be made, or within 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election, and thereafter shall file additional reports with the Commission within 24 hours after each time additional contributions are raised or expenditures are made, or are obligated to be made which aggregate an additional 5 percent of such limit. Such reports shall continue to be filed pursuant to the provisions of this section until such candidate has raised aggregate contributions or made or has obligated to make aggregate expenditures equal to 133⅓ percent of the limit provided for such State pursuant to section 503(b).

"(2) The Commission, within 24 hours after each such report has been filed, shall notify each candidate in the election involved who is eligible to receive benefits pursuant to the provisions of this title under section 504, about such report, and after an opposing candidate has raised aggregate contributions or made or has obligated to make aggregate expenditures in excess of the limit provided for such State pursuant to section 503(b), the Commission shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which such eligible candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(6), who is not eligible to receive benefits under section 504, has raised aggregate contributions or made or has obligated to make aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election. The Commission, within 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive benefits under section 504 about such determination, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which such candidate is entitled.

"(f)(1) All independent expenditures, if any, (including those described in subsection (b)(6)(B)(iii)) made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(6), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such ex-

penditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person as referred to in paragraph (1) shall be reported within 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, independent expenditures referred to in such paragraph, made by the same person in the same election, shall be reported within 24 hours after each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.

"(3) Each report under this subsection shall be filed with the Commission and the Secretary of State for the State of the election involved and shall contain (A) the information required by subsection (b)(6)(B)(iii) of this section, and (B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat. The Commission shall, within 24 hours after such report is made, notify each candidate in the election involved who is eligible to receive benefits pursuant to section 504(a)(1)(C) of this Act, about each such report, and shall certify such eligibility to the Secretary of the Treasury for payment in full of any amount to which such candidate is entitled.

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(6), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, within 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive benefits under section 504(a)(1)(C) about each determination under subparagraph (A), and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment in full of any amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by one person shall constitute an expenditure in coordination, consultation, or concert with another person where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between such persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same two-year election cycle, one of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities which may influence an election to any Federal office include, but are not limited to—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising which includes references, however incidental, to clearly identified Federal as well as non-Federal candidates for public office; or which does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities which require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time-periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor together with the amount and date of each donation with regard to those receipts of the non-Federal account which comprise disbursements reported under subparagraph (A), provided, however, that such schedules are required only for donations from any one source aggregating in excess of $200 in any calendar year.

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, provided that such donations or disbursements are governed solely by such State laws and not subject to paragraph (1) of this subsection.

"(i) The certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding the provisions of section 505(a).

"(j) Within 15 days after a candidate for the Senate qualifies for the primary ballot under applicable State law, such candidate shall file with the Commission, a declaration stating whether or not such candidate intends to expend from his personal funds, and the funds of his immediate family, and incur personal loans, in connection with his campaign for such office, in the aggregate of $250,000 or more, for the election cycle.

"(k)(1) Any candidate for the United States Senate who expends from his personal funds and the funds of his immediate family, and incurs personal loans, in connection with his campaign for such office, in the aggregate of $250,000 or more, for the election cycle, shall file a report with the Commission within 24 hours after such expenditures have been made or loans incurred. Thereafter the expenditures referred to in this paragraph shall be reported within 24 hours after each time the aggregate of such expenditures or loans exceeds $10,000.

"(2) The Commission within 24 hours after a report has been filed under paragraph (1) shall notify each candidate in the election involved who is eligible to receive payments pursuant to the provisions of this title under section 504 about each such report.

"(3) Notwithstanding the reporting requirements in this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures from the personal funds of such candidate or the funds of any member of the immediate family of such candidate or incurred personal loans in connection with his campaign aggregating in excess of $250,000, or thereafter in increments of $10,000 during the election cycle. The Commission within 24 hours after making such determination shall notify each candidate in the general election involved who is eligible to receive benefits under section 504 about each such determination.".

(b) Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (v), (viii), (x), and (xii); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (v), (viii), (x), and (xii) of paragraph (B) shall not be exclusions from the definition of contributions for purposes of reporting contributions as required by section 304, and all such contributions shall be reported.".

(c) Section 301(4) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"For purposes of this section, the receipt of contributions or the making of, or obligating to make expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party,

in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(d) Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (iv), (vi), (viii), and (ix); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (iv), (vi), (viii), and (ix) of paragraph (B) shall not be exclusions from the definition of expenditures for purposes of reporting expenditures as required by this Act, and all such expenditures shall be reported.".

(e) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election.".

(f) Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(g)(1) Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)) is amended—

(A) in subparagraph (A), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,";

(B) in subparagraph (F), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,"; and

(C) in subparagraph (G), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(3) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(4) Section 304(b)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(h) Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

(i) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS

SEC. 6. (a) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by—

(1) striking out "or" at the end of subparagraph (B);

(2) striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election) exceeds an amount equal to 30 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the limitation on expenditures provided in section 315(j), for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total of contributions previously made by multi-candidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such State committee exceeds an amount equal to—

"(i) 2 cents multiplied by the voting age population of the State of such State committee, or

"(ii) $25,000,

whichever is greater. The limitation of this subparagraph shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

(b)(1) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation shall be an amount equal to 67 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation shall be an amount equal to 20 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.".

(2) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by—

(A) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "subsections (b), (d), (i), and (j)"; and

(B) inserting "for subsections (b) and (d) and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987, for subsections (i) and

(j)" before the period at the end of paragraph (2)(B).

(c) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking out "(2) and (3)" and inserting in lieu thereof "(2), (3), (4), and (5)";

(2) by adding at the end thereof the following:

"(4) No congressional campaign committee may accept, during any two-year election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which may be made during such election cycle by that campaign committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to the provisions of paragraph (3).

"(5) No national committee of a political party may accept contributions from multicandidate political committees and separate segregated funds, during any two-year election cycle, which, in the aggregate, equal an amount in excess of an amount equal to 2 cents multiplied by the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for Federal office of President, Senator or Representative; provided that this paragraph shall not apply to direct mail communications designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.".

INTERMEDIARY OR CONDUIT

SEC. 7. (a) Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate;

"(B) contributions made by a person either directly or indirectly, to or on behalf of a particular candidate, through an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; and

"(C) the limitations imposed by this paragraph shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by (I) two or more candidates, (II) two or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf, or (III) a special committee formed by (a) two or more candidates or (b) one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf;

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

INDEPENDENT EXPENDITURES

SEC. 8. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) is amended by adding at the end thereof the following: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate and shall not constitute an 'independent expenditure' where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees,

"(ii) serving as an officer of the candidate's authorized committees, or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

INDEPENDENT EXPENDITURE BROADCAST DISCLOSURE

SEC. 9. Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", except that whenever any person makes an independent expenditure through (A) a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and in the case of a political committee, the name of any connected or affiliated organization, or (B) a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection, the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.', and a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

PERSONAL LOANS

SEC. 10. Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by section 7 of this Act, is further amended by adding at the end thereof the following paragraph:

"(9) For purposes of the limitations imposed by this section, no contributions may be received by a candidate or the candidate's authorized committees for the purpose of repaying any loan by the candidate to the candidate or to the candidate's authorized committees.".

REFERRAL TO THE DEPARTMENT OF JUSTICE

SEC. 11. Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(C)) is amended by striking out "may refer" and inserting in lieu thereof "shall refer".

EXTENSION OF CREDIT

SEC. 12. Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended by—

(1) striking out "or" at the end of clause (i);

(2) striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(iii) with respect to a candidate for the office of United States Senator and his authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a direct mail solicitation) shall be the date of the mailing.".

PREFERENTIAL RATES FOR MAIL

SEC. 13. (a) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3629. Reduced rates for certain Senate candidates

"The rates of postage for matter mailed with respect to a campaign by an eligible candidate (as defined in section 501 of the Federal Election Campaign Act of 1971) shall be—

"(1) in the case of first-class mail matter, one-fourth of the rate currently in effect; and

"(2) in the case of third-class mail matter, 2 cents per piece less than mail matter mailed pursuant to paragraph (1),

provided that the total paid by such candidate for all mail matter at the rates provided by paragraphs (1) and (2) shall not exceed 5 percent of the amount which is applicable to such candidate pursuant to section 503(b) of the Federal Election Campaign Act of 1971.".

(b) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for certain Senate candidates.".

BROADCASTING ACCESS PROVISIONS

SEC. 14. (a) Section 312(a) of the Communications Act of 1934 (47 U.S.C. 312(a)) is amended by—

(1) striking out "or" at the end of paragraph (6);

(2) striking out the period at the end of paragraph (7) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(8) for willful or repeated discrimination against such a candidate in the amount, class or period of time made available to such candidate on behalf of his candidacy.".

(b) Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended by adding at the end the following:

"(e) In providing access to use of a broadcasting station with respect to a campaign, a licensee shall give priority to legally qualified candidates for public office in connection with their campaigns.".

DISCLOSURE

SEC. 15. Section 318(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended by—

(1) striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(2) adding at the end thereof the following:

"(4) if paid for or authorized by a general election candidate for the Senate, or the authorized committee of such candidate who has not agreed to abide by the expenditure limits in section 503, such advertisement or announcement shall contain the following sentence: 'This candidate has not agreed to abide by the spending limits for this Senate election campaign set forth in the Federal Election Campaign Act.'.".

POLITICAL COMMITTEE POSTAL RATES

SEC. 16. Subsection (e) of section 3626 of title 39, United States Code, is hereby repealed.

CONSTITUTIONAL AMENDMENT

SEC. 17. (a) The amendments made by section 2 of this Act shall cease to be effective, as provided in subsection (b), if an amendment to the Constitution of the United States permitting the Congress to establish spending limits for Congressional election campaigns is ratified as part of the Constitution.

(b) The amendments made by section 2 of this Act shall be repealed and cease to be effective for any Federal election held after such Constitutional amendment is ratified as part of the Constitution, or 22 months after such ratification, whichever is later.

(c) Upon repeal of such section 2, the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"SEC. 324. (a) No candidate in a general election for the United States Senate shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, or incur personal loans in connection with such candidate's campaign for the Senate, aggregating in excess of $20,000, during the election cycle.

"(b)(1) Except as otherwise provided in this Act, no candidate in a general election for the United States Senate shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(A) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(B) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(2) Notwithstanding the provisions of paragraph (1), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population up to a population of 4 million, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(c) No candidate in a general election for the United States Senate shall make expenditures for the primary election, which in the aggregate exceed an amount equal to 67 percent of the limitation on expenditures for the general election determined under subsection (b), or more than $2,750,000, whichever amount is less.

"(d) No candidate in a general election for the United States Senate shall make expenditures for a runoff election, if any, in an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b).

"(e) For purposes of this section, the amounts set forth in subsections (b), (c), and (d) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"SEC. 325. (a) In the absence of a constitutional statutory limitation on the amount of independent expenditures that may be made in a Senate election, notwithstanding the provisions of section 17(b) of the Senatorial Election Campaign Act of 1987, the provisions of section 2 of such Act which provide conditions for the eligibility for matching payments to be made to a candidate in the case of independent expenditures made by any person in opposition to, or on behalf of the opponent of, such an eligible candidate, and which provide for matching payments to be made to such eligible candidates, shall remain in effect.

"(b)(1) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund, plus the amounts of revenue the Secretary projects will accrue to the Fund during the remainder of the period ending on December 31 of the year of the next Presidential election, equal to 110 percent of the amount the Secretary projects will be necessary for payments under subtitle H of the Internal Revenue Code of 1986 during such remainder of such period. The monies designated for the Senate Fund shall remain available without fiscal year limitation.

"(2) On May 15 of each year following the year during which a regularly scheduled biennial Senate election has occurred, the Secretary shall determine the total amount in the Senate Fund, and evaluate if such amount, plus the amount of revenue it projects will accrue to the Senate Fund (based on the computation made by the Secretary with respect to the Fund, as provided in paragraph (1)) during the period beginning on such date and ending on December 31 of the year of the next regularly scheduled biennial election, exceeds 110 percent of the total estimated expenditures of the Senate Fund during such period. If the Secretary determines that an excess amount exists, the Secretary shall transfer such excess to the general fund of the Treasury of the United States.".

SEVERABILITY

SEC. 18. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 19. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election held in 1990 or thereafter.

(b) The amendments made by section 3, section 7, section 8, and section 9 shall become effective on the date of enactment of this Act.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

MOTION TO RECOMMIT WITH INSTRUCTIONS TO REPORT BACK WITH AMENDMENT NO. 1403

Mr. BOREN. Mr. President, I send a motion to recommit to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. BOREN] moves that the bill be recommitted to the Committee on Rules and Administration to be reported back forthwith with the following amendment numbered 1403.

Mr. BOREN. Mr. President, I ask unanimous consent that further reading of the motion be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed under Amendments Submitted.)

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 1404

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1404 to Amendment No. 1403.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed under Amendments Submitted.)

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1405

Mr. BOREN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. BOREN] proposes an amendment numbered 1405 to Amendment No. 1404.

Mr. BOREN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed under Amendments Submitted.)

The Senator from Oklahoma.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BOREN. I am happy to yield.

Mr. BYRD. Mr. President, I wish to thank my friend from Oklahoma [Mr. BOREN] for offering the motion to recommit with instructions, and I thank Mr. SIMPSON and Mr. MCCONNELL for their understanding of the actions that we have taken.

I have indicated to the distinguished assistant Republican leader the motions and the amendments that Mr. BOREN and I had planned to make. I thought it only fair to acquaint the leadership on the other side of these actions that we were going to take, and Mr. SIMPSON and Senators on that side of the aisle fully understood after the explanation. So that the actions that were planned have now been concluded.

What has happened here is that as the matter stood before today, the distinguished Senator from North Carolina [Mr. HELMS] offered an amendment to the modification that was at that time pending and which had been developed by Mr. BOREN and others and myself over a long period of time. There has been more than one modification to bring us to that point.

Mr. HELMS' amendment, which would provide, I believe, something like $270 million in Contra aid, was topped with an amendment in the second degree by Mr. SYMMS. It is an amendment, I believe, having to do with the Monroe Doctrine. Of course, both of these amendments are very much in the nongermane category.

So it was the plan of Mr. BOREN and myself to reinstitute the posture of the Boren, and others, amendment before the Senate. We have done that by moving to fill up the tree in the line of recommital and then moving to amend the instructions of that motion in such a way that now the Senate has before it the Boren, and others, amendment which originally was before the Senate.

So we have a line of amendments here which cannot be amended at the moment until action is taken on the second-degree amendment.

The Senate now has before it the matter which we want to debate and does not have before it nongermane amendments. That was the purpose of the actions that have been taken.

I shall not hold the floor any longer. I again thank all Senators who have been involved in this effort.

Mr. SIMPSON. I thank the majority leader. He is very forthcoming as to his approach here. He notified our side of the aisle. It is something he could have accomplished without that notification.

So I am going to yield the floor, but say, indeed, the majority leader has related what has occurred. We have not only filled the tree; we have replaced branches and placed birds upon the boughs. Joyce Kilmer would envy the tree we have constructed here, and now it is up to us to begin to deal with it.

I, therefore, appoint Senators MCCONNELL, PACKWOOD, STEVENS, and BOSCHWITZ as the four Members on the opposition side of S. 2 to complement Senators BOREN, MITCHELL, LEVIN, and EXON. While the debate proceeds, we will count on these eight Senators for progress in this area.

I yield the floor, and I thank the majority leader, and I thank the Senator from Oklahoma for his willingness to proceed.

Our fine and able leader in this area, Senator MCCONNELL, is ready to sit down and do what is done in a legislative body, and that is compromise and see if we can come up with something sensible.

Mr. MCCONNELL. Mr. President, I thank the distinguished assistant Republican leader and the majority leader for the cooperative spirit in which we began this debate this year. I might say to my friend from Oklahoma we had some spirited discussions over the course of the month last year and seven cloture votes.

It seems to me, based upon the discussions which we had here before the debate begins this morning, that we are for the first time really serious about sitting down and writing a memorable piece of legislation that can truly change the way campaigns are handled and financed in this country.

So for that spirit of cooperation, I commend both the majority leader and my friend from Oklahoma. We look forward to the discussions that will go on among the eight of us to see if we can come up with a bipartisan campaign finance bill that will go zipping through this body 90 to 10 and not be tilted in either direction, and be good for the process in America.

With that, I yield the floor, Mr. President.

Mr. BOREN. Mr. President, I thank my colleague from Kentucky for his kind remarks, and I thank the distinguished acting Republican leader. Of course, I thank the majority leader for his continued leadership on this very important matter which confronts us. I look forward to having the group of eight that has been designated by the two leaders to proceed with dispatch, to see if we an come to grips with this problem that confronts our country, a problem that confronts this institution.

I hope we can find a formula that will enable us to come forward with a bill that will be true reform and one that will have the strong bipartisan backing of a vast majority of the Members of the U.S. Senate, and ultimately the House of Representatives and the President, as well, because the problem with which we grapple is not one that should divide itself along partisan lines.

We are not dealing with a Democratic problem or a Republican problem. We are dealing with a fundamental American problem that must be addressed for the sake of the future of our political system, in which all of us participate and attempt to serve.

Mr. President, I will not go into all the arguments here, but there are two fundamental problems with our present election financing system.

First of all, more and more of the money to finance campaigns is coming not from contributors at the grassroots but from special interest groups which rate Members of Congress, usually on a narrow range of issues which affect only the economic or political interest of that particular group, instead of on the total record of service of that individual.

Very often, these interest groups have little or no contact with the State or district from which the Member of Congress is elected.

Sadly and tragically for this country, in the last election, 196 people elected to Congress received more than half of all of their campaign contributions not from the people back home in their home States, not from the grassroots contributors, but from political action committees, principally controlled here in Washington, DC, who supplied the funds.

The system is out of balance. The concept of grassroots democracy and representation is being threatened. I am not saying that all political action committees are evil. I am not saying that it is wrong for people to get together for the sake of joining to serve a common political purpose. That has always been part of the American tradition. I am saying that something is wrong and something is out of balance when almost half the people elected to Congress are getting more than half of their campaign funds from these groups instead of from the people back home.

That is the first serious problem confronting our electoral system today.

The second problem, simply stated, is that it takes too much money to run for office today. The high offices of this land are being put on the auction block for sale to the highest bidder. Too often, the outcome of campaigns depends upon which candidate can raise the most money instead of upon which candidate is best qualified and has the best ideas to serve this country.

The cost of campaigns is skyrocketing at an alarming rate. When I first was elected to the Senate about 10 years ago, the average cost of campaigning for the U.S. Senate was a little less than $600,000.

In the last election cycle it was well over $3 million.

Mr. President, let us reflect upon that for just a minute. If it takes the average Member of the U.S. Senate over $3 million, from just the average size State—there are States we know where the costs have gone from $15 million to $20 million—just in the average size State, if it takes $3 million to run a successful race and that Senator serves for a 6-year term and you multiply it out, what it means is that every Senator serving here, to be successful for reelection, has to raise on the average of $10,000 each and every week, week in and week out, for 6 years, every single week for 6 years, $10,000 on the average in campaign contributions, in order to have enough money to run a successful campaign for election or reelection.

Mr. President, that is not healthy for our political system. It distracts us. It conveys an image to the public that we are being unduly influenced by those who are in position to give large campaign contributions, and the time that should be spent in these challenging days in which we live, in which we grapple with ways to restore the competitive and productive ability of this country so that we will not become a second-rate economic power, these times in which our educational system cries out for reform and overhaul and adequate financial support, these times in which we have not been able to form a consensus to get our own budgetary house in order, these days in which the international course of events moves in ways that are important to the future of our national security and our alliances in NATO and other parts of the world, we should be devoting the time and attention of the Members of the U.S. Senate to do the job that the people elected us to do instead of spending our time day in and day out raising $10,000 in campaign contributions every single week for the 6 years that we serve.

Mr. President, something is wrong. We know it. There is not a single Member of the Senate who thinks that the system is working as it should. We know something is wrong and the people know it and it threatens the future of our political system.

We must not close our eyes to it. We are trustees of this constitutional system. We are trustees for the next generation.

Those who are here today serving us as pages in the U.S. Senate, who themselves may someday aspire to serve as Senators in this body, should not be confronted with the terrible fact that if we do not slow down the rate of increase in campaign spending by the time they have reached the constitutional age to run, 12, 13, or 14 years from now, at the current rate of increase instead of costing $3 million to run for the U.S. Senate it will cost $15 million to run for an average race for the U.S. Senate.

Young people of this country in the next generation who want to serve the people, who want to serve the Government, should not be confronted with the task of trying to raise $15 million if they want to render public service in the U.S. Senate.

So we have a heavy obligation, Mr. President, to do something about it.

I do not think there is anything more fundamentally important that we can do this year than enact a bill that brings about genuine reform, but it will have to have two main features. It will have to restore the balance so there is more grassroot participation in the financing of campaigns from individual contributors from the home States and home districts. Restore that balance, and it will have to do something to stop the rapid escalation of campaign costs.

Within those two fundamental principles, many changes and modifications can perhaps be made for myself let me say I will work as hard as I know to try to find a bill around which we can gather that kind of consensus to solve this fundamental American problem.

Mr. President, last year, changes were made to S. 2—through negotiation with many Members of the Senate who could not support the revised S. 2 as reported out by the Rules Committee last spring. By addressing the concerns about direct partial public financing of Senate general elections, two more revisions were made.

In the process 5 Senators, previously opposed to the bill, agreed to become cosponsors: Senators EXON, BENTSEN, GLENN, DODD and BREAUX. Additionally, two more Members agreed to vote for cloture—reserving their right to oppose the final, amended version of the bill.

At this point 52 Senators, over half of the Members of the Senate, are cosponsors of S. 2 as revised under the last modification made in the bill as we previously considered it.

As it has been just over 5 months since S. 2 was temporarily laid aside, I would like to walk through what exactly the bill does in its current form and how it works to refresh the memories of my colleagues.

This bill contains the three essential elements of comprehensive reform: One, an overall limit on spending; two, an aggregate limit on PAC contributions; and, three, protections against so-called "independent expenditures."

Over 10 years ago, the Supreme Court in the Buckley versus Valeo case said that mandatory limits on Federal campaign spending are against the first amendment rights. The Court in their decision was unable to distinguish the overriding public good of putting a limit on excessive campaign spending to "buy" an election, with the need to protect the free speech rights of the candidate. While it was a very complex case, the result of that decision was to wipe out a previous law which put mandatory limits on congressional campaign spending. So, the only way to keep within the decision and achieve campaign spending limits, is to set up some kind of a voluntary system which is a strong inducement for candidates to participate with "voluntary" limits. This is what our bill tries to do.

Here is how the system works.

A candidate has the option to decide whether or not he or she wishes to participate in the system through a certification process. Once a candidate is his or her party's nominee, that candidate becomes eligible for certain benefits, assuming that the candidate has met a specific criteria:

First, the candidate has raised a threshold amount of individual contributions, primarily from in-State contributors. This shows the candidate is no marginal candidate simply trying to get benefits with no true show of grassroots support. This threshold ranges from $150,000 for the smaller States to $650,000 for the larger States. It must be made up solely of contributions from individuals. Seventy-five percent of the total money must be from in-State contributors. Finally, only the first $250 of a contribution can qualify for purposes of the threshold requirement.

Second, the candidate cannot have spent an amount greater than two-thirds of the general election limit during the primary. For a State with a $1-million general election spending limit, for example, the candidate must show that no more than $667,000 was spent in the primary election.

Third, the candidate cannot use more than $20,000 of his or her personal funds—or that of the immediate family of the candidate—as a contribution to his or her campaign. This is to prevent people with enormous personal wealth from buying or attempting to buy elections.

Fourth, the candidate must agree in writing that he or she will comply with the general election limit.

If a candidate has met that criteria, he or she is qualified for certain benefits. Now, Mr. President, let me list the benefits for which a candidate who has been qualified will be eligible.

First, candidates are eligible for the "lowest unit broadcast rate"—which currently all candidates may receive in terms of radio and television advertising. This benefit has no cost as it would only repeal the requirement on the broadcaster to give this preferred rate to all candidates. Under this bill—it would be for those candidates who complied with the spending limits who receive the lower rate.

Second, eligible candidates would receive a preferred mail rate. The candidate could receive a 5½-cent first-class rate or a third-class rate equal to 2 cents below the current third class rate. To pay for this privilege, we would repeal the current mail preference that national party committees receive. Also, this privilege is capped by limiting its value to only 5 percent of the general election limit. In a $1-million spending limit State—this privilege would be worth $50,000.

So I have indicated there is no cost to this provision because we pay for it by repealing the current mailing privileges that are given to all political parties, even fringe parties, even Marxist parties that are on the ballot.

Third, a candidate would also be eligible for protection from independent expenditures. If an outside group or PAC or wealthy individual paid for a media campaign above a $10,000-threshold level, against a candidate who complies with this system, that candidate is eligible for matching funds from the voluntary tax checkoff fund to combat it. In most cases, Mr. President, I think my colleagues would agree that if a group knew that the candidate they were trying to defeat would have the immediate resources to combat the attack—it would be highly unlikely that they would try to do so.

So people would know that there would be a checkoff payment to offset these independent attacks and would be very unlikely to launch the kind of independent negative attacks we have seen typify elections in the past.

And let me also say that this element of the bill is essential for it to work. The bill provides for an aggregate limit on the amount of money all candidates—House and Senate—can receive from political action committees. Under S. 2, the $45 million of PAC funds contributed to Senate candidates in 1986 would have been reduced to $16 million at a maximum—nearly a two-thirds cut. Other so-called PAC reform proposals which have been introduced since S. 2's consideration would only affect what an individual PAC could give. This would affect only about 6 percent of all PAC contributions to simply lower the PAC limit from $5,000 to $3,000.

We must have an aggregate limit on what candidates can receive from PAC's to have effective legislation.

The basic need for protection against independent expenditures, Mr. President, is due to the fact that with nearly $30 million taken out of the process—there is a legitimate fear that much of that money will go independent—financing mainly negative attacks.

We are trying to protect against the possibility that if you squeeze $30 million out of the system that it might pop up elsewhere under independent expenditures. So we have closed out that possibility by our provision against independent expenditures.

In addition to these benefits, in the hopefully rare case that a candidate does not agree to abide by these spending limits, all of his ads would have to carry a disclaimer—much like a Surgeon General's cigarette warning that "this candidate does not comply with campaign spending limits."

It would have to be on all avertising—direct mail and every piece of campaign literature.

I see the Senator from Nebraska has come on the floor, my good friend, Senator EXON. Let me say that that proposal was a contribution which he made to this legislation, a proposal which he made to us. I think it is a very good one and will have a very, very wholesome effect on the way that campaigns are conducted.

It is important to point out, Mr. President, that it would only be if a candidate chose not to follow these guidelines, would his or her opponent qualify for funds from the voluntary tax check-off fund.

If both Senate candidates agree to follow these limits, there would be no public funding, no public financing of elections under this bill.

If neither Senate candidate agreed to follow these limits—no public funds would be used.

So the way the compromise is now drawn would provide the public financing would come into play if one candidate agreed to limit and the other candidate decided to go over the limits and tried to spend an excessive amount of money on the campaign.

Again, take a State with a $1 million spending limit. Assume that candidate A chose not to comply with the limits and candidate B did. At the point that candidate A raised or spent 75 percent of the limit—$750,000—in the general election—he would be required to begin reporting contributions to the FEC in 5 percent increments of the limit—to monitor his activities. This would also serve as a signal for candidate B to begin raising funds above the spending limit to be used when and if the noncomplying candidate A goes above the limit.

At the point candidate A does in fact raise or spend above the $1 million limit—candidate B becomes eligible for a grant equal to two-thirds of the spending limit, in this case, $667,000.

So one candidate in any campaign accepts the $1 million limit. The other candidate does not. When the candidate that does not accept the limit gets up to $750,000 in spending, he or she must report every 5-percent increase increment of additional campaign funds raised and then when that candidate finally goes over the $1 million mark, the candidate that accepts the voluntary spending limit would get a checkoff payment of $667,000.

This is a strong inducement for candidates to participate and, hopefully, we would never have to see one penny from the checkoff fund actually used.

Should candidate A continue to raise or spend above the limit and does so by an additional one-third of the limit—candidate B is eligible for another grant equal to one-third of the limit.

This allows for a very limited role of partial public financing in the election process.

Mr. President, true reform of this complex system of congressional cam-

paign finance cannot be achieved by piecemeal revisions. It requires instead a way to deal with the two fundamental problems—overall spending and PAC money influence. Many of the same opponents of S. 2 opposed my bill last year—the Boren-Goldwater legislation—which dealt only with PAC's. They claimed at that time that PAC's were not the only problem and that a broader reform effort was needed.

S. 2 gives such a broader approach.

Mr. President, I will be the first to admit that there are perhaps other fine tuning and other modifications that can be made which to make this bill better and to close possible loopholes in the system. I again extend the hand of compromise today in offering to listen to any Member of the Senate—Democrat or Republican—who can find a better way to achieve spending limits while passing constitutional muster and making it work.

Many meetings and negotiating groups have discussed this bill and other bills and how to pass a strong reform package. However, Mr. President, 52 Senators support this package—55 have voted at one time or another to limit debate on it thus allowing us to amend and improve the bill—but under Senate rules—that is not enough.

Again, I appeal to my colleagues to join in the effort to clean up this system and help us preserve the most essential element of representative democracy—the integrity of the election process itself.

So, Mr. President, this is an historic opportunity for this body to deal as one people, as Americans across party lines in the U.S. Senate, with a serious problem that confronts our Nation and confronts our constitutional institution.

Mr. President, my good friend from Nebraska is here. I know that he has an appointment waiting for him in his office. I know the Senator from Kentucky also desires to speak. I wonder if we might allow the Senator from Nebraska to speak briefly. I will yield for that purpose.

Mr. McCONNELL. That is perfectly all right with this Senator.

Mr. EXON. Mr. President, I thank the Chair and I thank my colleague from Oklahoma and my colleague from Kentucky for their usual courtesy.

Although I do have another appointment, Mr. President, I think that this is a tremendously important bill. I do not think it is an overstatement to say that this probably is the most important bill that will come before the 100th Congress, at least as it affects the ongoing sanctity of our elective process.

Mr. President, I applaud the majority leader for bringing campaign finance reform legislation back before the Senate. Perseverance is the mark of champions and Senators BYRD and BOREN have been champions in this regard.

Let me say at the outset that I did not support last year's original bill put forward by my two distinguished colleagues because it called for automatic public financing of Senate elections.

That original proposal would have cost $76 million for the current election cycle. Given our current and future Federal deficit difficulties, I could not support such an additional outlay. However, I know that the chase for campaign funds had to stop somehow.

We entered into negotiations and found a solution which has enabled me to cosponsor the revised bill. The revised campaign finance reform legislation before the Senate today is a radically changed bill. Automatic public financing is out. There are State spending limits for primary and general elections which vary by population.

If each candidate limits himself or herself to these limits for each State, then no taxpayer financing of Senate elections will occur.

The tie to public financing is necessary because of a 1976 Supreme Court decision which said Congress cannot set mandatory spending limits. The decision also stated that to set voluntary spending limits Congress must provide an inducement, such as partial public financing. I have cosponsored Senator HOLLINGS' constitutional amendment to overturn that Supreme Court decision; however, we need action now—not years from now when a constitutional amendment would be ratified.

Again, Mr. President, this legislation contains voluntary spending limits for each State based on population. Public financing would only occur as compensation to a candidate whose opponent breached those voluntary limits. Such funding would come from an income tax check off system similar to that used for Presidential elections. We hear the term "level playing field" used in Washington a lot these days. Well, if a bill ever created a "level playing field," this one certainly does so. Incumbents and challengers alike would be subject to the same limit, which is certainly more reasonable than the "sky's the limit" system we have today.

The current version, realizing that it is too late to apply to this election cycle, would be effective with the 1990 election cycle. Candidates who comply with the voluntary spending limits will have the added benefits of receiving the lowest unit rate advertising cost on television and radio as well as preferential mailing rates. The provision of third-class mail rates now available to political parties would be repealed to offset any incidental costs incurred in this bill. Candidates who do not accept the voluntary spending limits must place on all advertisements and announcements a disclaimer acknowledging that they are not abiding by the limits.

In that way the voters will know who has caused the expenditure of public funds. Additionally, political action committee [PAC] contributions would be limited to 20 percent of each State's general election limit.

Mr. President, this is fair legislation. I cannot understand any reason to oppose it; however, last year, it was filibustered. Seven times we attempted to break the filibuster. Unfortunately, seven times we came close but failed to obtain the 60 votes required for cloture. Clearly, if the filibuster can be broken this legislation will pass because we now have 52 cosponsors in the U.S. Senate.

Therefore, Mr. President, the majority of this body very clearly indicated that they think this is the time, and action is required now. I hope that the minority in the Senate will allow us to proceed, to express the will of this body.

Mr. President, how long will the minority in the Senate thwart the will of the majority in this body? How long will the minority in the Senate thwart the will of the majority of the American people who I believe want campaign finance reform?

Each of us in the U.S. Senate knows that we spend far too much of our time raising phenomenal sums of money to run for re-election. The money chase diverts us from the jobs we were elected to do. Without reform, it will only get worse.

When I hear talk of the possibility of a $5-million campaign for the 1988 Nebraska Senate seat up for election this year, it brings home how out of whack our electoral system has become. A $5-million Nebraska Senate campaign means spending over $3 for every man, woman, and child in my State.

Mr. President, enough is enough.

I have listened with great interest to the comments by my friend and colleague from Oklahoma. The majority leader has asked me to join with him and a few other Senators to try and carry the message and carry the ball; to work out compromises and differences where they might occur so long as we do not detract or deter from the basic message of this Campaign Reform Act which basically says it is time we become reasonable.

We are going to see it become even more difficult down the road to do our work here if we are spending as much time raising funds for re-election as we are using that time to the betterment of our constituents, our State, and this Nation. I do not want to overplay the issue, Mr. President, but I think we are at a critical time. I think we are

right on the verge of major distrust taking over on the part of the citizens of this country, when they see the money game that is now being played. I appeal, as has my colleague from Oklahoma, to all of the Members of the Senate. We ask a time for a coming together, if you will. Let us sit down and work out any legitimate complaints that there are in the present bill. No measure before the U.S. Senate has ever been a perfect one. No measure before the U.S. Senate is so well written and so well thought out that no changes can be made. We are extending the hand of welcome once again to the 48 Members of the U.S. Senate who are not currently cosponsors of this legislation, to please sit down with us, see the light, come to the realization that now is the time that we are required to act because we are trying to be reasonable.

I do think it is fair to say that those of us who are fundamental concerned about this issue are determined, we are dedicated, we are ready to take whatever steps are necessary within the rules of the Senate to see that this matter is brought to a vote.

I do not think this is the time for recriminations. I do not think this is the time to throw about or castigate others who do not agree with us. We hope that, if possible, 100 Members of the U.S. Senate, regardless of their political affiliation, can see the light, can see the difficult road where there is only darkness ahead and disrespect for the very system that we are here to protect unless we have the courage to make some changes and make them now.

Mr. President, once again, I emphasize that we want cooperation and not confrontation, but if we cannot get compromise, if we cannot get something reasonable, then confrontation is going to be before this body on this issue in the very near future.

Let us see if we cannot work together to solve this knotty problem and put it behind us once and for all.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

(The remarks of Mr. DIXON pertaining to the introduction of legislation will be found later in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

SUPERCONDUCTING SUPER COLLIDER

Mr. DIXON. Mr. President, I rise today to bring to my colleague's attention an article that appeared in Wednesday's USA Today about the suprconducting super collider.

A recent poll found that 58 percent of 1,200 citizens throughout the United States are "favorably disposed" to the construction of the super collider. Further, 67 percent favored the SSC when told that the Soviet Union and Japan have plans to construct similar projects.

My friends, the significance of these findings is important to us as legislators. Our constituency wants our country to construct the super collider. In fact, Robert Berrier, the Wirthlin Group pollster, said, "We found that the more people know about it, the more favorably disposed they are."

I would like to also mention that in April of last year, Northern Illinois University in De Kalb, IL, conducted a survey among residents in Illinois to determine public reaction to the super collider.

The survey concluded that "the more citizens know about the SSC, and the more information they have about the nature of the project, the more supportive they are."

We need to listen to what the people are saying. They want the super collider built in the United States!

The super collider will be the largest research project ever built, costing an estimated $6 billion. It is definitely big science.

Since the President's approval of the super collider more than a year ago, we here in Washington have discussed and debated about the costs of the project.

The reality: it is not a small cost—but it is a small price to pay to ensure our Nation's lead in scientific research.

We have virtually ignored the most important issue in considering the construction of the super collider—its significance to the United States in maintaining our competitive edge in high-energy physics.

Congress failed to authorize the construction of the superconducting super collider last session.

We must join the people of the United States in supporting this program by approving the construction of the SSC this session.

The competition for the siting of the super collider has been narrowed down to a short list of seven States. I am happy to say that my State of Illinois is on this list, as are Arizona, Colorado, Michigan, North Carolina, Tennessee, and Texas. The Department of Energy will make its final recommendation of the best qualified site to President Reagan by the end of this year.

Congressional interest in the super collider was at a peak 6 months ago as States prepared their site proposals. In fairness to our country and to its citizens, we must recognize that the SSC is a national project that still demands all of our support.

I believe that the United States should go full speed ahead with the construction of the super collider. It is also no secret that I hope to see it in my State of Illinois. But, I am very much aware of my responsibility to my country.

Let me go on record saying that even if Illinois was not on this short list, I would still be committed to this very viable project.

The super collider is a project for our entire Nation, belonging to all of us, and we cannot let the threat of parochial interests undermine the best interests of the Nation.

I urge each of you to join me in supporting the construction of the superconducting super collider.

Mr. President, I ask unanimous consent that the article to which I referred as it appeared in USA Today, February 3, 1988, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[USA Today, Feb. 3, 1988]

POLL FINDS WIDESPREAD SUPPORT FOR COLLIDER

(By William Dunn)

"Supercollider" isn't a household word—but when the giant atom smasher is explained to people, a majority favor it, says a poll out today.

"We found that the more people know about it, the more favorably disposed they are," says Wirthlin Group pollster Robert Berrier.

Texas—competing for the $4.4 billion project with Arizona, Colorado, North Carolina, Michigan, Illinois and Tennessee—ordered the pool of 1,200 nationally, 600 more in Texas.

Findings:

After the collider was explained, 58 percent were "favorably disposed." In Texas 81 percent approved.

Nationally, 67 percent favored the collider when told Soviets and Japanese are considering similar projects.

Don Morris, Arizona's collider team manager, said the poll shows "we have to inform the public of the benefits not just the cost."

Mr. DIXON. Mr. President, I thank my distinguished colleagues, the distinguished manager of the bill, S. 2, which I support and will speak upon later, the distinguished Senator from Oklahoma [Mr. BOREN], and my friend, the senior Senator from Kentucky on the other side, Senator MCCONNELL, for yielding this time.

Mr. President, I yield the floor.

Mr. EXON. Mr. President, I ask unanimous consent that I may proceed as in morning business for a brief period of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STRATEGIC AIR COMMAND ALERT FORCE

Mr. EXON. Mr. President, most Americans do not give frequent thought to our Armed Forces until that time when a national emergency arises or Americans lives are in danger in some remote corner of the world. Otherwise, most Americans think our Armed Forces do not do much more

than carry out routine peacetime training.

Nothing is further from the truth with the Strategic Air Command. Every day since October 1, 1957, the men and women of the Strategic Air Command have been on alert, manning and supporting our missiles and bombers, guarding this Nation against a Soviet nuclear attack. They are on a higher level of alert than most of our other military forces. Their responsibility is awesome; their performance is consistently impressive.

The task is not an easy one. Continuously maintaining a complex organization of bombers, their supporting tankers, and missiles is in itself challenging. Being constantly ready to respond to a nuclear attack is extremely demanding.

From Offutt Air Force Base in Nebraska, the headquarters of SAC, to Andersen Air Force Base on Guam, the Strategic Air Command maintains its guard. This means that in all climates and weather, SAC must be able to respond within minutes to any hint of aggression.

The men and women assigned to the Strategic Air Command are an elite. They must be in order to handle the tremendous responsibility of maintaining, operating, and protecting nuclear forces that are the heart of our Nation's deterrent to nuclear aggression.

For over 30 years, the Strategic Air Command alert force has admirably carried out this vital mission of nuclear deterrence. As the chairman of the Senate Armed Services Subcommittee on Strategic Forces and Nuclear Deterrence, I am proud to pay tribute to the men and women of SAC.

Mr. President, history will reveal down the line that we have an outstanding American in the person of Gen. John T. Chain, Jr., the head of the Strategic Air Command with headquarters in Omaha, NE.

I have recently received a communication dated February 8, 1988, from my friend and colleague, General Chain, with whom I work very closely in my capacity as a member of the Armed Services Committee of the Senate, particularly with regard to my position as chairman of the Strategic Subcommittee thereof on all of the matters including the nuclear deterrent.

General Chain authored an article entitled "The Year of the SAC Alert Force."

In order that all Americans may come to better understand the importance of the Strategic Air Command, I ask unanimous consent that the letter and a statement on the SAC alert force by the Commander in Chief of the Strategic Air Command, Gen. Jack Chain, entered in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS STRATEGIC AIR COMMAND, OFFICE OF THE COMMANDER IN CHIEF,
Offutt Air Force Base, NE,
February 8, 1988.

Hon. J. JAMES EXON,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR EXON: Strategic Air Command bomber and tanker crews began alert more than 30 years ago, around the clock every hour of every day. Then and now, SAC alert crews form the cornerstone of America's deterrence.

We are very proud of our accomplishments as we enter the fourth decade of providing deterrence for this nation—and we look with confidence to the challenges of the future. We believe it is important that the American public understands what SAC alert crews do for them and for our nation. Therefore, in an effort to reaffirm the importance and enhance the prestige of SAC alert, we have designated 1988 "The Year of the SAC Alert Force."

I have enclosed a copy of an article I have written to the men and women of Strategic Air Command concerning the importance of the alert mission. I would be very grateful if you would consider inserting the article in the Congressional Record. It would mean a great deal to SAC people and would assist in our efforts to inform the public that SAC provides the deterrent shield that guards America's freedom.

Best wishes,

JOHN T. CHAIN, JR.,
General, USAF,
Commander in Chief.

THE YEAR OF THE SAC ALERT FORCE
(By John T. Chain, Jr.)

When our Secretary of State, George Shultz, visited SAC headquarters recently, he paid this command an enormous compliment. He said that among the many things that impressed him, the thing that impressed him most was that "SAC is ready to go to war today, while most other military organizations are training to go sometime."

It is that theme—being ready to go at a moment's notice to defend this great nation of ours—that I want to address here.

Being ready to respond immediately is a critical part of our deterrent mission. We must be so visibly ready—so professional—so capable—that our adversaries know beyond a doubt that an attack on us would subject them to immediate, devastating retaliation. Throughout the years SAC's alert force has been the cutting edge of our "ready to go" capability.

I can testify from personal experience that alert duty is a tough, demanding job. It involves sacrifices from the crews, from the people who support them, and from the families who endure the long hours, understand the pressures, and share those sacrifices. But no job in the military is more important. Deterrence—keeping the peace—is built on the shoulders of our alert force.

The SAC alert force began standing guard for this nation on Oct. 1, 1957. We have maintained the vigil for more than 30 years . . . more than 11,000 days . . . 24 hours a day, every day. During good times and bad, it has been the vigilance, dedication, and strength of SAC's alert force which have allowed Americans to live in freedom.

So, it is essential that the importance of alert duty is fully recognized: by the people who pull it; by their colleagues in SAC and in the other commands and military services; and by the American people who owe the SAC alert force so much. To help recognize the importance of SAC alert, I have declared 1988 to be the "Year of the SAC Alert Force."

During 1988, we're going to reaffirm the importance of SAC alert, enhance the prestige of the alert force, and upgrade the alert force environment. Within this command, this observance is to express our gratitude to the families, support personnel and crew members who have made great sacrifices in years past, and to salute those who stand guard today.

We do a lot of things in SAC that are important, but nothing is more important than our alert commitment. Our adversaries know the importance of the SAC alert force. They know that if they start a fight with us, they will have to deal with the awesome retaliatory capability of the finest military force on the face of the earth. Our president knows the importance of the SAC alert force. He recently wrote a letter to the men and women of Strategic Air Command in which he said ". . . SAC's demonstrated readiness has been a cornerstone of peace and security for the free world." And, the American people increasingly know that it is the dedication and vigilance of the SAC alert force that safeguard the freedom and security of our nation.

Should deterrence fail, SAC is indeed ready to go to war today. We are confident we can carry out our mission, anytime, anywhere. The people who pull alert, and those who support them, guard this nation on freedom's front line. I'm enormously proud of our alert force. I look forward to celebrating the "Year of the SAC Alert Force" with the men and women of our alert team who serve our nation so well.

Mr. EXON. Mr. President, I thank the Chair and I thank the managers of the bill. I yield the floor.

Mr. BOREN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 1 p.m. today.

There being no objection, the Senate, at 12:24 p.m., recessed until 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. HARKIN].

SENATORIAL ELECTION CAMPAIGN ACT

The Senate continued with consideration of the bill, S. 2.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, in the discussion of S. 2, I think it would be well that we talk about some of the practical problems that we face.

There has been, during the past year, a lot of discussion about the technicalities of this law, what it would do and and what it would not do. But I would like for a short time, Mr. President, to talk about some of my experiences running for the U.S. Senate.

I served in the House of Representatives before being elected to the Senate. When I made the decision that I was going to run for the U.S. Senate, I met with some of my colleagues who had been in a similar position, people who had served in the House of Representatives and were elected to the U.S. Senate. I spent some time and they told me about the difficulty of a campaign. One thing they all agreed on was that a campaign for the U.S. Senate took a great deal of money.

They also told me that I would spend a significant amount of my time raising money to run the Senate. One Senator told me that I would spend 80 percent of my time raising money to run for the U.S. Senate. Remember, I come from a State that is small in population. There are probably only 10 States that have fewer people than we do. But we are a State and we have the bright lights of Las Vegas and Reno and Lake Tahoe. I said to myself, "I'm not going to spend 80 percent of my time raising money to run for the Senate. Why, I have people that have helped me when I was elected to the House and State legislature and Lieutenant Governor. I have people that I know that will help me."

He was right; I was wrong. I may not have used 80 percent of my time, but I used a significant amount of my time, far over 50 percent of my time, raising money to run for the U.S. Senate.

I should have been, during that period of time, visiting schools, speaking to government classes, going to universities, reviewing their engineering programs, doing things that would acquaint me with the problems of the State of Nevada. I should have been going to industrial plants determining how, for example, in southern Nevada, they produce titanium. I should have been going to dairy farms in the northern part of the State trying to understand some of the problems with dairy production. But, what I was doing was spending an inordinate amount of my time calling people on the telephone trying to arrange meetings to see if they would be willing to help me financially to run for the U.S. Senate.

I should have been going to the hotel employees throughout the State of Nevada—there are hundreds of thousands of those people—meeting with them to find out what their problems are. But, what I was doing was trying to arrange times to meet with people to raise money.

None of us, Mr. President, is proud of that. None of us is proud of the fact that rather than going to a high school civics class we are meeting with people to try and see if they will give us $500 to help us with our Senate campaign. None of us is proud of the fact that is what we do. But that is what we do. In a small State like Nevada I had to raise over $2 million to be competitive. Now my opponent outspent me significantly, but I had to raise $2 million to be competitive.

That is what S. 2 is all about. It is not some pie in the sky.

We are talking about reality—100 U.S. Senators spending an average of $3 million on a Senate race. That is what we are talking about. We are talking about someone that wants to run for the Senate, that person, that man or woman, must recognize that unless they are individually wealthy, and I mean real wealthy, that they have to go out and ask people to give them a lot of money.

There is nothing wrong with asking people to give you money. But, enough is enough. Should we not set some boundaries and guidelines? That is what S. 2 is all about.

Not only do we have that problem, that it just takes a great deal of money, but, in addition to that, S. 2 does some other things that I think are important, Mr. President. S. 2 addresses some problems that you do not see at first glance.

I thought if I raised enough money to be competitive, that would solve my problems. But that is not how it is. There are all kinds of ways to deviate from the law.

I will never forget one of the most amazing things that ever happened to me. Senator Laxalt announced in August that he was not going to run for reelection. I decided shortly thereafter that I would try to fill the open seat of Senator Laxalt, so I worked basically from September through March getting ready to run for the Senate, which I learned included raising money.

What I did not realize, Mr. President, was that there are ways that people can raise money that are so easy, so devious, for lack of a better word. There are ways that people can raise money that are not in the framework of the law as we think it should be.

S. 2 addresses a problem and that is something called bundling, and I will talk more about that. Bundling, Mr. President, is a situation where, for example, the Republican Senatorial Campaign Committee solicits money for itself. What I found in my case is those moneys did not go to the Republican Senatorial Campaign Committee. They just were there for a short period of time until they went to my opponent. So on something that I spent 6 months doing, he did in a matter of a few minutes by just the RSCC redirecting some money.

There are also a lot of other things that this bill addresses. Expenditures by political parties.

Another interesting thing that happened to me, talking about how a campaign really works, I woke up one morning and learned that in the State of Nevada, the seventh largest State in the Union, 72 million acres, was covered with signs, political signs, thousands of 4 by 8 signs saying vote for my opponent. Well, I thought to myself, "That takes a lot of money," and I knew about how much one of those signs cost. And I thought, "Well, I do not think he is spending his money very wisely."

It took a few days before I realized he did not pay for the signs. They were paid for by the State party. That was a way to circumvent the law. I do not know how much they cost—hundreds of thousands of dollars. They went through the State party.

I came to realize very quickly that that is not the only thing they did to try to get around the law. What else did they do? They paid for advertisements on radio that were directed against me. But they were used that way so that they would not be expenditures of the candidate himself.

So, Mr. President, this law addresses real problems. It does not address hypothetical situations that may occur sometime in the future. It addresses real problems. And let us go over them again just very briefly.

It addresses a Senate candidate who is told that he or she is going to have to spend a significant amount of time, far over 50 percent of it, raising money to run for that office. It addresses problems that deal with bundling, conduiting, it deals with expenditures by State parties.

S. 2 is not a perfect law. We all know that. But it certainly attempts to address the problems that face each and every Senator in this Chamber and we have to do something about them.

Henry Clay said, many, many years ago, Mr. President, that government is a trust and the officers of the government are trustees and both the trust and the trustees are created for the benefit of the people. He said that in 1829 and it certainly applies to what we are trying to do today. It holds as true today because we are the trustees, the same as Henry Clay was a trustee back in 1829, and we bear to the people the highest possible level of duty to fulfill that trust.

Of late, however, Mr. President, I fear we have most grievously failed in that trust. For the past few elections it has become increasingly clear that the election code we created to ensure fair proceedings in Federal campaigns simply is not doing the job. There are loopholes in this law that now governs

elections that you could drive 15 freight trains through. I only mentioned a few of them.

I do not mention any of the things that happened in my race in acrimony. I won the race. I was fortunate to do so with all the loopholes that were in the law. I bring it to the attention of this body and the American people because I think we have to know that this law applies to real problems that face each and every person that is elected to the U.S. Senate. I am confident that S. 2, the Boren-Byrd bill, sufficiently dams the torrent that is passed through these loopholes. The American people want this bill. They want campaign reform. They want an end to the spiraling cost of campaign spending and to the campaigns that begin the day after the election. Campaigns now begin, and we can look at the Presidential scene to recognize that, the day after the election.

Mr. President, I made a point. I said the American people want this bill. Is there any proof of that? I brought with me only a little bit of the proof of that; only a little bit of the proof of that. But I want to bring to this body's attention some of the reasons that I feel the American people do support this legislation. I want to bring to the attention of the Members of this body and the American public the fact that it is something the American people want.

I brought, this afternoon, only a few of the editorials that have been written in newspapers all over this country and I show you, Mr. President, this bundle of editorials. I mean, it is 2 or 3 inches thick. These are editorials from all over the country. I only brought part of it.

These editorials are not from one part of the country. These editorials are from all over this Nation:

The Morning Call; Allentown, PA.
The Daily Astorian; Astoria, OR.
Athens Daily Review; Athens, TX.
Kennebec Journal; Augusta, ME.
The Bakersfield Californian; Bakersfield, CA.
Bangor Daily News; Bangor, ME.
Bluefield Daily Telegraph; Bluefield, WV.
The Boston Globe; Boston, MA.
Daily Camera; Boulder, CO.
Bozeman Daily Chronicle; Bozeman, MT.
The Brookings Daily Register; Brookings, SD.
The Buffalo News; Buffalo, NY.
South Idaho Press; Burley, ID.
The Burlington Free Press; Burlington, VT.
Nevada Appeal; Carson City, NV.
The Chandler Arizonan; Chandler, AZ.
The Daily Mail; Charleston, WV.
Chillicothe Gazette; Chillicothe, OH.
The Messenger; Clemson, SC.
The Plain Dealer; Cleveland, OH.
The Columbia Record; Columbia, SC.
News; Cumberland, MD.
Dallas Morning News; Dallas, TX.
Dallas Times Herald; Dallas, TX.
The News-Times; Danbury, CT.
The Danville News; Danville, PA.
News-Journal; Daytona Beach, FL.
The Denison Herald; Denison, TX.
The Courier-Express; Du Bois, PA.
The El Dorado Times; El Dorado, KS.
The Register-Guard; Eugene, OR.
The Evansville Press; Evansville, IN.
Times-West Virginian; Fairmont, WV.
Northwest Arkansas Times; Fayetteville, AR.
The Fresno Bee; Fresno, CA.
Gainesville Sun; Gainesville, FL.
The Gardner News; Gardner, FL.
Great Falls Tribune; Great Falls, MT.
The Record; Hackensack, NJ.
The Hartford Courant; Hartford, CT.
The South Dade News Leader; Homestead, FL.
Herald-Dispatch; Huntington, WV.
The Clarion-Ledger; Jackson, MS.
Kenosha News; Kenosha, WI.
Record-Courier; Kent-Ravenna, OH.
Valley News; Lebanon, NH.
Leesburg Commercial; Leesburg, FL.
The Tribune; Lewiston, ID.
The Lewiston Daily Sun; Lewiston, ME.
The Sentinel; Lewistown, PA.

I could go on for an hour reading the places from which the editorials come. Just the places. Not the content of the editorials.

It is significant that in my State of Nevada we have editorials from all over the State.

Mr. President, I bring to this body's attention an editorial from the Reno newspaper, the Reno Gazette Journal, Wednesday, February 25, 1987, and part of what is said in this:

> This bill would limit candidates and their families from spending, and limit overall spending depending on the size of the State.

Skipping down:

> The bill would limit total PAC contributions to a maximum in the Senate and the House, depending on the size of the State.

No one here—well, I should not say that. I am not here to beat up on PAC's. I think political action committees serve a valuable purpose and I am not here to in any way berate political action committees. I am here though, Mr. President, to indicate that we have an overall spending problem as pointed out in the editorials from the State of Nevada and around the rest of this country.

This is from Carson City, NV, the capital of our State. It says a number of things. It says, for example: "Senators complain about becoming panhandlers." That is a word that I am not familiar with, but it is certainly descriptive of some of the problems that we have.

The editorial states, among other things:

> Campaign reform simply will not happen without spending limits. The Supreme Court has ruled that there must be some form of public benefits in order to establish a system of voluntary campaign spending. The spending limits contained in S. 2 are reasonable and voluntary, as required by the Supreme Court. If Presidential elections are a reliable guide, S. 2 will provide for competitive elections; neither party will be at a disadvantage.

It states here:

> Senator DOLE and his fellow filibusters need to step aside and give the reform legislation the chance to slay the campaign monster. In doing so, they would be helping restore the integrity of our representative form of government.

This is from the Carson City newspaper, the Nevada Appeal, dated July 2 of last year.

But it is not related only to the northern part of the State. The major population of the State of Nevada, an area of the State that has about 60 or more percent of the people of the State of Nevada, also cares about campaign reform. The Las Vegas Sun Newspaper, on the 29th day of December of last year, just a few weeks ago, wrote an editorial that, among other things, related to another issue that this S. 2 addresses, that is independent expenditures.

I am sure that most Senators who came to this body this year—there are 13 new Senators—I know of 11 Senators who, with rare exceptions, had independent expenditures against them. There is no way of attributing from where the money comes; no way of having the people who contribute to those independent expenditures listed on your expenditure or anybody's expenditure listing at the end of the year or during the year. These are independent expenditures that come from we do not know where.

The Las Vegas Sun newspaper indicated that NCPAC, the Virginia-based National Conservative Political Action Committee, spent better than $200,000 to help defeat incumbent Senator Howard Cannon approximately 5 years ago.

The editorial further states:

> Byrd's—

referring to our majority leader—

> Byrd's goal was to convince the Nation that Republicans were blocking campaign reform.
>
> Byrd said, "The Senate will revisit the measure next session." When S. 2 is brought up again before the Senate, you will face a choice of continuing to protect a campaign financing system that is fundamentally corrupt or helping to restore integrity in a representative form of government. So said Commom Cause president Fred Wirtheimer after the comments by Senator Byrd.

The editorial further states:

> Yes, the candidates are spending too much money on their campaigns. Yes, there ought to be limits on how much they can spend. That would make it more attractive for equally well qualified people to seek elective office, and it would shorten the amount of time they spend away from their legislative desks seeking money for their next campaign.

Mr. President, these are three editorials that are from newspapers in the State of Nevada during the past few months. As I indicated in reading just a few of the places from where they come, there are a lot more.

I am going to spend just a minute to direct this body's attention to some of

the other editorials around the country. I picked just a few out of the hundreds.

I want to point out, Mr. President, as I indicated from where these editorials come, that these are not editorials from the New York Times only, these are not editorials only from the Washington Post, these are not editorials from the Los Angeles Times, the big, big newspapers. These are editorials from small newspapers, some of them weekly publications, concerned about what is happening to our country.

The Allentown, PA, newspaper called the Morning Call last year said, among other things:

Not so long ago it was a widely held belief that in a democratic society long periods of governance were interrupted by a fine-tuning process known as elections. But that belief has been a fiction in American politics for decades. The fact of political life in today's America is that for the most part our political leaders are engaged in a continuous political campaign. No sooner are the victors of November rejoicing over their victory than they start fattening up the war chest for their next campaign. In the case of the House of Representatives, Representatives, who serve 2-year terms, their round-the-clock campaigns do not end until death, defeat, or retirement.

Among other things, the Allentown Morning Call said:

There are two ways to break the back of interminable campaigns and their multimillion dollar price tags. The first is to limit the length of campaigns.

I am totally in favor of that and I think most are. But they state that is almost an impossibility in our system.

The second possibility, campaign finance reform, though, is possible. That is, if the politicians will it. Right now, Senate Republicans have bottled up a bill that would provide public financing of Senate campaigns—an improvement over the present vested interest—financed campaigns.

Mr. President, there has been a good faith attempt by the majority leader of the Senate to have this issue decided on its merits. This bill holds the record for cloture votes. If I am not mistaken, there were seven cloture votes. It breaks the record in the 200 years of this Republic. This bill broke the record trying to stop debate seven times and we were not able to do so. We could not get the necessary 60 votes. We got 55 votes. But as the Allentown Morning Call said, "Something must be done."

We switch from that part of the country now to the State of Maine. In Augusta, ME, there is a newspaper called the Kennebec Journal. This newspaper said:

The good news is that reform of congressional campaigns, with their vicious television commercials and exorbitant cost, is possible this year. The bad news is that the debate is proceeding along partisan lines, with Senate Democrats almost unanimously in favor of a public financing plan, and the Republicans opposed. The Senate is fertile ground for reform.

Earlier it was stated this should not be a partisan issue. Mr. President, it should not be a partisan issue. There is no reason that campaign reform be a partisan issue. The American public wants reform and as indicated in the newspaper from Augusta, ME, the Senate is fertile ground for reform.

Bozeman, MT, has a newspaper called the Daily Chronicle. The newspaper in the great State of Montana, the beautiful State of lakes and mountains, among other things said:

Only the most naive believe that money has little influence on political decisions. That influence must be controlled and the Senatorial Election Campaign Act is a worthwhile place to begin the job.

That was the Bozeman Daily Chronicle.

Brookings, SD, has a newspaper called the Brookings Daily Register. It said, among other things:

This past fall, South Dakota finished first in something, but it was a rather dubious distinction.

This State, the State of South Dakota, holds the distinction for spending more than any other State in the Union per vote. Part of what the editorial says is that more than $7 million was spent electing a Senator from South Dakota.

The State of South Dakota is a very, very sparsely populated State. The State of South Dakota has about 500,000 people, give or take a few; $7 million?

In a statement made in April, TOM DASCHLE, a brilliant Senator from the State of South Dakota, said, and this talks a book even though the Senator said it in a sentence or two:

More than any other single factor, it is this unlimited funding that is a problem. If we are ever to get a handle on the multiple maladies that afflict our campaign financing system, our very first step must be to limit spending.

That was Senator TOM DASCHLE. He was in the pits fighting. He is not talking as a theoretical approach to how Government should be run. He was there. He was elected in the same class I was elected. We went through the same program. It was tough. Why? Because of campaign financing.

The Brookings Daily Register further said:

In South Dakota that limit would be $950,000 on the general election per candidate and $636,500 in the primary.

That is per S. 2.

It ends its editorial by saying:

We don't need $7 million to get the message of candidates to the people of South Dakota. If we don't limit campaign spending soon, what the voters of our State think won't matter much anymore.

I thought the West should be represented, Mr. President, in going through these newspaper editorials, and so I have already talked about Nevada, the papers there. But to show that other Western States feel strongly, let us talk about Chandler, AZ, a newspaper called the Chandler Arizonian.

The Senatorial Election Campaign Act has cleared the Senate Rules Committee—

This editorial was written last summer—

but faces the roadblock of a Senate filibuster unless integrity wins out over greed in the hearts of some members of the Senate. Among those in opposition to the Senate Campaign Reform Act are such big gun PACs as the American Medical Association and the National Association of Homebuilders. Supporters of the legislation include the American Association of Retired Persons and the International Association of Chiefs of Police.

Skipping to another part of the editorial:

In the 1976 election, it took an average of $610,000 to win a Senate race.

Ten years later, Mr. President, in 1986, it took $3 million—$610,000, which is a huge amount of money, but 10 years later, the average Senate race cost $3 million. The editorial finishes by saying:

Election campaigns are too expensive and financed to too great a degree by PACs. The Senatorial Election Campaign Act is long overdue.

Mr. President, I also wanted to refer to the southern part of this country because there are editorials from all over the South. The Clarion Ledger from Jackson, MS, is the last editorial from which I will read.

A comprehensive campaign finance bill has surfaced in the U.S. House of Representatives, a good sign that some reform will come to Congress soon. The House bill would establish a voluntary system of overall spending limits and prescribe limits on the use of personal wealth in campaigns along with providing partial public financing.

And as we know, Mr. President, that basically has been eliminated from the bill in an effort to work some compromise.

It would also limit the total amount of political action committee contributions a congressional candidate can accept. A host of Members in the Senate—

And I think this is so significant—

including the President pro tempore of the Senate, John C. Stennis (D. Mississippi), introduced their plan for campaign finance reform but have gained little ground due to a filibuster lead by Republicans. The stall tactic forced supporters of the Senate reform bill to introduce a new proposal that limits campaign spending and puts an aggregate limit on the total amount of political action committee contributions candidates may accept. The new proposal eliminates the controversial public financing for Senate elections except in very rare circumstances. Both plans are fair and reasonable. The key is to limit campaign spending which has gotten out of control and to set confines on contributions from political action committees.

Mr. President, before leaving the Clarion Register, I think it is so important to recognize that JOHN STENNIS,

somebody who we all look up to, somebody who is history himself, spent so much time, 40-odd years in the Senate. He is my chairman, chairman of the Appropriations Committee. He is a man we all love and respect. He has seen it all. Here is this very, very brilliant man, with a history that is unsurpassed in Senate politics, who has been involved in some of the most controversial battles ever to take place in this Chamber, saying something must be done about campaign spending, and this is recognized in his own State of Mississippi.

Mr. President, I have referred to a few editorials from around the country. As I indicated, there are hundreds of editorials from around the country on this issue. To get the flavor of these editorials I have quoted the substance of a few of them to give a geographical representation, that this is not only one part of the country that is concerned about campaign reform but the whole country is concerned about campaign reform.

What I want to do now, so you get an additional flavor of what the editorials are saying from around the country, is refer to the title of these editorials. The titles say a lot, and I think it should get the attention of Members of Congress, not only of the Senate but Members of Congress:

"Campaigns: New Models Needed; Substantial Beginning; Congress Ponders Its Own 'Filthy Lucre'; Campaign Reform Needs GOP Boost; Campaign Financing; Time To Stop Stalling: Send PACs Packing; Campaign-Finance Curbs; Limit Campaign Spending; A Dubious Distinction; Congress Should Adopt Election Spending Curbs; Effort On To Cut Power of PACs; Democrats' Bill To Blunt PACs Worth Passing; Campaign Finance Reform Due; PAC Reform" is the title of the Charleston, WV, Daily Mail. "Campaign Reform; Campaign Act Needed To Curb Spending; Congress Ponders; The Mugging of S 2" is the name of the editorial from the Cleveland Plain Dealer. The Columbus Record: "PAC bill 'Damndest Arrogance'; Campaign Cash Concerns Senate; Campaign Financing Senate Republicans Should End Filibuster."

This from the Dallas Morning News: "Time To Send PACs Packing; Campaign Financing; Senate PAC Limits Bill Deserves a Chance; Congress Ponders 'Filthy Lucre' "—different newspaper, basically the same title. The Courier-Express from Du Bois, PA, entitles theirs "Campaign Monster; Congress Has Money Scandal of Its Own." The El Dorado Times from El Dorado, KS; "Slay the Monster; Real Reform Needed; Campaign Reform Bill Deserves a Chance; Money Business; Talking Reform to Death, The GOP Obstructionists; Congress Ponders Its Own 'Filthy Lucre' "—the third time in these editorials that newspapers in different parts of the country have used the same term of art, "filthy lucre." "Election Spending Limits Are a Must; Where Cash Is King; Senators Tested on Election Spending; Does the Senate Want Reform?; Congress Ponders a Financing Scandal; Time To Stop Stalling; Campaign Spending Should Be Curbed; Finance Reform; Less Money; All Up in Knots; Campaign Spending; Senate Should Adopt Proposal To Restrict Campaign Spending; Campaign Theatrics; Curbs Are Needed on Campaign Costs; Muting the Voice of Money; Why Not Voluntary Campaign Spending Limits; Limiting Political Bucks" is the title from the Courier-Journal from Louisville, KY.

"Cap Campaign Spending; Campaign Spending Limits; Let's Slay It," is the title of the editorial from the Marion Star in Marion, OH. "Get Them; Limits Are Needed; Maybe a Chance To Thwart the PACs; The Auction Block; The Issue That Won't Die; Blocking Reform; Campaigns; Time To Cap Costs; Chance To Break PAC Chains; Campaign Spending Is Out of Control and Change is Needed; Let's Buy Congress Back; Election Reform; Campaign Spending Reform Badly Needed; Limit Campaign Spending; Now is the Time." And who is this? This is Barry Goldwater. Barry Goldwater. This is not a liberal issue. This is not a conservative issue. This is an American issue. We need to do something about campaign spending.

Mr. President, I will not read more titles, but I think we get the idea of what people around this country are saying.

It was only yesterday that the New York Times had an editorial that I think sums up titles: "The Political Clean Air Act of 1988." We really need to do something, Mr. President, because this has gotten out of hand.

Mr. President, the process by which Americans elect their Government has always been in continuous flux, and that since the time of ratification of the Constitution first set it in motion, and as problems with the system became apparent, the Congress and ultimately the people have developed solutions.

Those changes in our system have been as fundamental as the extension of voting rights to minorities and women, as radical as the direct registration centers by the people, and as complex as the system of laws which now control all Federal elections.

Simple or complex however through each of these changes run a common thread. Each was a response to a perception by the public and the Government that the system was not properly functioning. The last major reform involved the manner in which we elect our President. From the middle of this century foward it became increasingly apparent that money was having too much impact on Presidential elections. In the early 1970's a system was created which we all know—as a result of the New Hampshire primary last night—has made Presidential political campaigns far from perfect but has certainly made them, I believe, more competitive.

I think what has gone on in recent months has indicated that campaigns have become more competitive. Well, with the reform as suggested in S. 2 we are not asking that there be public financing of elections. Even though that is a red herring that has been thrown out, that has been withdrawn from this legislation. Only in the rare circumstance would that ever come to be. That is, if one person simply refused to follow the campaign spending rules as set forth in this legislation.

But I think we need to look at the Presidential election process and learn something from it because certainly it is an improvement over what used to take place.

Mr. President, I remember in an election I was involved with about 3 years ago going to a man who was a very prominent man in the American scene, a great inventor. He was responsible for an airplane that is an airplane. When you mention the word everybody recognizes what it means. He had over 100 patents. He was a great scientist and he was a man of some means.

When I met with him in 1974 he was concerned about the tremendous amount of money that could be given to a Presidential candidate. And he gave huge sums of money to the past Presidential candidates. As a result of great Americans like him complaining about the system, the way we elect Presidential candidates changed and rightfully so.

The time has come for us to step forward and change the present means by which we elect Members of Congress. No one wants to take away anyone's constitutional rights. But why should we spend these huge sums of money as indicated in Nevada and South Dakota, two relatively small States? Can we not improve the system? Of course we can.

I have talked a little bit about some of the problems with the system and there are many. Bundling I have talked about. It is bundling and using conduits. I gave an example of that. Those practices are an invitation to abuse, and that invitation has been repeatedly accepted. The invitation to abuse has been accepted graciously by some and wrongfully.

During the past senatorial campaigns there is irrefutable evidence that arose that massive amounts of money were improperly infused into campaigns. And as I indicated I have talked about that in my previous statement, and we do not need to rehash

the 1986 elections. But I think we can learn from the 1986 elections to prevent future problems. As long as money can be collected by an outside central group and passed on to individuals the temptation to juggle the books to help a favored candidate sometimes becomes irresistible. Let us remove the temptation by simply forbidding bundling and using conduits altogether. Party passthroughs, I talked about that. Pundits of political science have just appeared by the thousands overnight.

Another example of a problem which must be addressed is the ability of State parties to pass money through to candidates in the form of certain materials. I gave an example of that. Again, using the 1986 campaign, that law was abused all over this country, and it is wrong—statewide mailings, radio announcements, even television in various places. Frankly, even though I personally believe under the present law those actions were illegal, the FEC tends not to move on them for a lot of reasons. But even if they were not, they certainly are wrong and we should stop the practice altogether.

Mr. President, I think the important thing that we understand—and I heard Senator BOREN talk about that. I heard a colloquy this morning between the acting minority leader and our majority leader. I heard them talk about the need for compromise. Perhaps there is a need for compromise.

As you will recall, Mr. President, this bill has been modified significantly since it was first introduced by Senators BOREN and the majority leader. It has been significantly altered because of questions raised by the opponents to the legislation. Senator BYRD and Senator BOREN, in an effort to try to work things out, changed things. They did not pick up a single vote in the cloture votes. With all these changes they made they did not pick up any votes.

I would suggest that compromise is a two-way street. Prior to coming to the Congress I was a trial attorney. You cannot settle a case if only one party wants to settle. To settle a case takes both parties. You cannot have compromise if only one party is compromising. To compromise you need both parties willing to compromise.

Now we have only had a one-sided effort at compromise. I am very happy that Senator SIMPSON, the acting minority leader, the Senator from Wyoming, has appointed through the minority leader four individuals to work with four individuals on this side to see if there can be something worked out. I would certainly hope so.

We all know that politics is the art of compromise. Almost any piece of legislation that passes this body or the other body is something that came out in a different form than when it was introduced. That is a fact of life. And there will be compromise in S. 2, too. I would like to think perhaps there will be more compromise than there already is. But that is fine. But I think we have to have a good faith effort to compromise this. It takes two sides to compromise. Remember, I repeat again, politics is the art of compromise.

This body and the other body always do best when we act in a bipartisan fashion. The best legislation that comes out of this body, out of the Congress generally, is legislation that is passed in a bipartisan fashion. That is why we now have two distinct groups, eight individuals, four on each side, that are going to sit down and see if they can work something out. I hope so because that is the best type of legislation. That is the best kind of politics. That is when it is done in a bipartisan fashion. I would hope so because I heard the Senator from Wyoming this morning speak about his acknowledging that there is a problem, his acknowledging that there is a need to do something about campaign spending.

So we all recognize there is a problem. And therefore we must work together to solve that problem.

Compromise does not however, Mr. President, mean in any fashion that we have to ignore problems or surrender principle. Some think that when you talk about compromise you think of, well, he is giving up. Quite to the contrary. I think the change that has been made in this bill to this point is certainly acceptable. I like the changes made in this bill that have been made since the bill was originally introduced. And the bill perhaps can be made even better than it is now. I believe so. But that will only come to be if the Members of this body recognize that there must be compromise and in doing so we need not ignore or surrender certain principles.

On certain issues we must resolve existing problems and not just paper over them because I have no doubt in my mind, Mr. President, as was said by Henry Clay in 1829, "Government is a trust and the officers of the government are trustees, and both the trust and the trustees are created for the benefit of the people."

I yield the floor.

Mr. MCCONNELL. Mr. President, we have gotten off to an entirely different start this year on this most important issue. At the outset of the discussion, from the point of view of this side, I commend the majority leader and the assistant Republican leader for putting together a bipartisan group for the purpose of writing a bipartisan campaign finance reform bill.

Just a bit of recent history on this issue: many of us on this side have been calling for a step like this since last May. It is obvious that some form of campaign finance reform is needed, is desirable, and ought to go forward; but not just any bill. It needs to be a bill that is crafted in a manner that does not discriminate against either party, does not attempt to tilt the playing field, if you will.

Many in my party have felt that the basic thrust of S. 2 is to construct a system under which the Democratic Party could prevail more often, and I might remind my colleagues that they prevail more than 50 percent of the time, anyway. They have a fairly substantial majority in the House and, once again, a majority in the Senate.

Those who have studied this issue have felt that with the kind of system that S. 2 seeks to construct, my party would be a perpetual minority, in the high twenties or low thirties in this body.

I make these points to state the obvious: That we are not going to willingly participate in the construction of a system of campaign finance reform which is designed to annihilate the Republican Party. That is not bipartisan campaign finance reform.

I think I can safely say, on behalf of the Republicans in this body, that is not going to happen. So the question is, what kind of a system should we construct; what changes are appropriate and in order at this juncture in our history?

Much was said last year during the course of the debate, and we had a lengthy debate, occupying some 22 days and seven cloture votes. We have had ample opportunity for discussion, and much has been said in particular about the Presidential system, especially from the other side of the aisle.

A number of people have said, "Well, all we're seeking to do here is to construct and establish a system that is similar to the Presidential system," which has, of course, served us so well since 1976.

I think it appropriate that we begin this discussion on the day after the Nation's first Presidential primary, and take a look at this Presidential system which many have lauded.

A couple of things are obvious. This Presidential system that some seem to revere so deeply is making cheaters out of everyone who runs for the office.

In addition, one out of every four campaign dollars is given to lawyers and accountants, to deal with a law that is so complicated it is virtually impossible to comply with. It is a system that micromanages each individual campaign by telling each campaign how much it can spend in this State or in that State.

Of course, every campaign spends a good amount of time trying to figure out how to get around those limits, and most creative candidates do get around the limits. Many of them, however, end up getting caught by the press on the FEC.

What we have done here in the Presidential system is create an environment that encourages everyone to cheat, encourages everyone to find some way around the law, and, it seems to me, that is not necessarily progress. The last thing we ought to do is create for congressional races the same kind of nightmarish result that we have had in Presidential races since the new law was enacted in 1974.

Mr. President, I would like today, by way of introduction to this issue from this side of the aisle, to talk about the Presidential system under which we have been operating since 1974, to point out some very obvious shortcomings of that system, and to suggest that the last thing that we want to do in campaign finance reform for congressional elections is to emulate the Presidential system.

First, in terms of cost to the taxpayers, the Presidential system, in 1988 alone, has cost $40 million—all tax dollars. The grand total over the last three Presidential elections has been a third of a billion dollars—all tax dollars, the public's money.

What has that money bought for the taxpayers? First, Mr. President, there has been a proliferation of fringe candidates. The system encourages extremist candidates to squander taxpayers' dollars and spread views that many Americans, while quite tolerant of, certainly do not agree with and are not particularly interested in financing with their tax dollars.

For example, in 1984, Lyndon LaRouche received a half million dollars, from the American taxpayers. This year, Federal funds for this particular candidate have so far been withheld because some contributors may have been defrauded.

Then, Mr. President, there is a Lenora Fulani—a household word in American politics. She is a psychologist from New York. Three weeks ago, $200,000 went to Lenora Fulani, the New York psychologist, to run her campaign for President—tax dollars, 200,000 of them. Good luck, Lenora. We are picking up the tab for part of your race.

I think it is safe to say that spending and contribution limits promote the kind of extremist candidates that I have just discussed. Certainly, everybody has a right in America to run for President, and many do. No American would argue with that, but I do not think we ought to have to fund it. If the Presidential system has encouraged that kind of proliferation of fringe candidates, which we finance with our tax dollars, can you just imagine the field day we would have if we extended that system to congressional races? Why, my goodness, we would have a lot of people out there running for the Senate and for the House with our tax dollars. We would be picking up the tab, literally, for a tremendous variety of extremist candidates to take their point of view to the American public, all at taxpayers' expense.

What else is going on under the hallowed Presidential system that we all keep referring to, and that some would like to emulate?

For one thing, the Presidential campaigns are choked with red tape, strangled in trying to comply with the law that many have argued cannot be complied with.

In 1980, the Reagan and Carter campaigns both budgeted one out of every four campaign dollars for legal and accounting expenses.

We have gone out in the name of reform, Mr. President, and constructed a system under which one can run for President of the United States. We have partially funded it with taxpayers' dollars, and one out of four of those dollars are being budgeted for lawyers and accountants, in order to comply with a law that many argue cannot be complied with.

That is reform? That is a disaster.

Total spending in 1980 of all candidates on lawyers and accountants—this is how much all the candidates spent in 1980 on lawyers and accountants—was $21.4 million, as much as was spent overall on the most expensive Senate race in history. Just in case anybody missed it, I am going to say it again. In 1980 all the candidates for President, collectively, spent $21.4 million on lawyers and accountants, more than was spent overall on the most expensive U.S. Senate race in history—all in what some would argue was a futile attempt to try to comply with a ridiculous law.

In 1984, Reagan and Mondale spent $1 million each on compliance costs, which means crack teams of lawyers and accountants who can find new loopholes and creative accounting methods.

We constructed a system, Mr. President, which benefits lawyers and accountants, and tells them, "Go out and figure out some creative way to deal with this ridiculous law so that I still can take my case to the American people."

We did that in the name of reform? It is a disaster.

I am told that in 1988, the Bush campaign staff processed each contribution through over 100 steps to ensure compliance with a maze of regulations. And my suspicion. Mr. President, is that that same or similar system is being applied by all of the candidates, to comply with this law we passed back in 1974 that everybody called progress. It is a disaster.

Mr. President, a blue ribbon panel of campaign experts found that the Presidential system which many in this body would like for us to emulate and apply to congressional campaigns, this system restricts campaigns in a way that unduly dictates their political strategies. What should remain political decisions have become accounting decisions.

That is progress? Do you want to carry that any further through our Federal system? Of course not.

In Presidential politics today it does not matter any more who has the best ideas or the most support. It is who has the best lawyers and the most accountants—the tragic, unintended consequences of a well-intentioned change in our system of electing Presidential candidates.

And some would have us construct such a system for congressional races? It would be a disaster.

Next, Mr. President, I think it is important to note that taxpayer financing and spending limits have not dented spending. That presumably was to be the virtuous result of the new system for Presidential elections. The whole idea was to limit spending and have the public pay for part of the tab.

That is not what has happened, Mr. President.

Professor Arterton, of Yale University, has said that "Trying to put a dollar figure on the money spent in Presidential contests is akin to figuring out how much the outlaws carried away from a train robbery. There are just too many pockets to add up."

The Kennedy School of Government at Harvard found that spending limits and taxpayer financing in Presidential elections have not stopped—I repeat—have not stopped the exponential growth of spending in campaigns.

(At this point Mr. REID assumed the chair.)

Mr. MCCONNELL. Now, Mr. President, after a temporary setback in 1976, the money flowing into Presidential politics is increasing—I repeat, increasing—at approximately the same rate as was the case before spending limits and taxpayer financing were instituted.

As a matter of fact, Mr. President, we cannot even be sure anymore how much spending is growing, because the spending limits are forcing money into soft money and internal communications, all unreported to the FEC. And cheating, Mr. President, is rampant, and this is not a criticism of any particular candidate. We are talking here about the system, the system under which we elect the President of the United States today.

The cheating goes on like never before. The number of Federal Election Commission enforcement actions has grown exponentially. FEC actions for substantive violations of Federal election law have been filed against every major candidate since the system was instituted in 1976. Let me repeat that. FEC actions for substantive violations of Federal election law

have been filed against every major candidate for President since 1976.

The simple fact is, Mr. President, that spending limits are not working. They are merely an invitation for abuse, fraud, and disrespect for the law.

We want to bring that system down to congressional elections? We want to take this marvelous system which rewards lawyers and the accountants and encourages cheating and disrespect for the law, we want to take that and apply to congressional races as well and call that progress? I do not think that is what we ought to be doing.

That is an invitation to disaster.

As you know, Mr. President, under the Presidential system there is a limit on spending per State. At least, that is what the law says.

We all know that candidates spend money on TV ads in Massachusetts to reach voters in New Hampshire. I do not suppose anybody did that over the last week or so. I do not suppose anybody did not do it.

The mail sent to Iowa from New York is charged to New York.

Incumbents use funds allotted to their primary to prepare for the general election contest.

Let us take 1984, and I single out the Democratic candidate—not to be partisan—but there is a quote from Bob Beckel, a campaign staffer for the nominee, that is irresistible. According to Bob Beckel, then senior staffer on the campaign in 1984, the Democratic nominee spent about $2 million in New Hampshire alone. Mr. President, the limit in New Hampshire was $400,000 that year.

The campaign finally got caught when it charged $56,000 to its Massachusetts and Minnesota budgets for rented cars that never left Iowa or New Hampshire.

This is reform? This is not reform. We created a system in the name of reform that seeks to micromanage every campaign for President, saying, "We know best for you what you ought to spend in State X or State Y. It is not a strategy decision you can make. We are going to tell you what to do."

And so they all spend a huge amount of time trying to figure out some way to get around it.

Or, you can cheat on overall spending limits with delegate committees. Back in 1984, one campaign used its delegation selection committees to circumvent spending and contribution limits—and the nominee's own promise not to accept PAC contributions. Campaign lawyers found that delegate committees were "a loophole big enough to drive a truck through." Overall, those committees raised and spent $750,000, including contributions from "maxed-out" donors.

I left out the name of the candidate because that is not the issue here. The issue is a system which makes a cheater out of every candidate who runs for President of the United States, and forces his helpers to scurry around trying to figure out some way to get around a ridiculous law. And some say we want to apply that to congressional elections and call that reform? It would be a disaster, just like it has been a disaster at the Presidential level.

If we have any interest around here in making constructive changes in the law, we ought to be looking at the Presidential system and trying to do something about that disaster, rather than applying it to elections for Congress.

Now, there is another way—of course, there are plenty of creative ways—to get around the Presidential system. Cheating on limits with precandidacy committees has become an all-time favorite. From 1981 to 1984, one partisan committee raised and spent $5 million, but gave away only $380,000—less than 8 percent—to other candidates. This was, pure and simple, a precandidacy committee. Since 1980, nearly every contender formed a precandidacy committee for the supposed purpose of opposing other candidates. Instead, these committees are creatively used to buy political favors for candidates and spread their names all across the country, all outside the legal spending limits.

I say this not to criticize a single candidate who did that, but to make the point once again that the system is so absurd that everyone who seeks this office spends a huge amount of time trying to find some way to circumvent what was intended.

Other ways of getting around the Presidential system: Have labor groups pay the deposit cost for phone banks; share office space with special interests and save on rent; get friendly banks and corporations to extend generous credit accounts with skimpy collateral; use personal credit cards to loan money to campaign after you exceed the personal $50,000 limit.

All of those things have been tried by some on both sides. And we want to bring that to congressional campaigns and call it reform? I do not think so. It has been a disaster.

What we have created here is a cesspool of abuses which breeds disrespect for law and for the election process. The Kennedy School of Government at Harvard warned that "creative accounting spawned under the Presidential system is stimulating overwhelming cynicism about campaign reforms." Hardened campaign staffers admit that one of the top planning priorities for a campaign is to identify in advance ways to circumvent the limits and rules.

Top priority. You are going to run for President. What is the first thing you do? Figure out what you stand for? Size up the opposition? No, you get an army of lawyers and accountants to tell you how to get around the law. This law is about as ridiculous as prohibition was. Prohibition did not work and we repealed it.

Bob Beckel, again, is a respected figure in Democratic Presidential campaigns. You see him interviewed on television all the time. He helped run Walter Mondale's campaign. A direct quote from Bob: "I think this whole FEC thing is a sham. If you're not finding every loophole that's available, you're not doing your job."

A quote from an honest man about the net effect of what we did to the process of electing Presidents of the United States when we passed this law.

Further, Mr. President, there has been a surge of undisclosed, unlimited, special interest support. Let us take soft money. In 1980, organized labor provided an estimated $11.1 million in soft money support, all unreported and all unlimited, completely outside of the spending limits that we have in the Presidential race.

Why did that happen? That happened because putting a clamp on legitimate expenditures made the candidates and their supporters seek other ways of getting around the law.

In 1984, labor and other special interests spent $30.4 million in soft money to suport the Democratic nominee. I would say this even if they had done it to support the Republican nominee. That is not the issue, who they supported. What was happening, of course, was a massive attempt to get around the spending limits. This $30.4 million included a $1 million ad campaign run by the AFL-CIO, which sharply criticized Reagan's policies, but did not mention either candidate by name. That is one of the ways you get around the limit.

Ronald Brownstein of the Paducah Sun in my State, wrote that labor's soft money campaign in 1984 became "an electoral jihad." In Ohio, alone, the AFL-CIO set up 80 phone banks and paid unemployed members $4 an hour to make 10,000 calls per day—without advocating a specific candidate. The Teamsters spent $2 million and provided services worth $6 million to benefit the other guy, Ronald Reagan.

After the 1976 election, Michael Malbin wrote—after the 1976 election, the first time we tried this reform legislation—Michael Malbin said:

> The biggest winner of the Presidential system was organized labor. Public financing shut off private contributions . . . Party contributions also were limited . . . In contrast, labor could spend as much as it wanted in communicating with union mem-

bers, registering them to vote, and getting them to the polls.

Malbin continued:

When labor unites behind one candidate, as it did in 1976, a system in which private contributions are prohibited leaves it in a position no other groups can match. Little wonder that labor calls the campaign finance experiment a success.

A success.

This has been the overall increase in soft money spending. Since special interest soft money is under the table, no one knows for sure how much is spent. But the rate of increase for soft money spending is about—as best we can tell—400 percent each election cycle—a 400-percent increase each election cycle in soft money spending. There was a 400-percent increase each election cycle in soft money spending.

Communications to members. In 1984, special interests reported to the FEC spending $4.7 million on political communications to members. Ninety percent of this spending was by labor organizations. Many analysts say this is only "the tip of the iceberg" since loopholes let most communications go completely unreported.

Further observations, Mr. President, about this Presidential system that some think is so wonderful and would like to apply—at least in principle—to congressional races. Let us look at independent expenditures.

In 1980, special interests and single-issue groups spent $13.7 million to support or oppose a candidate. By 1984, that kind of uncontrolled, unaccountable spending ballooned to $17.4 million, a 30-percent increase in one cycle; a 30-percent increase on one cycle.

Now remember, Mr. President, this is under the system that we have for electing the President of the United States, under which, we say there is a spending limit, not only overall but State-by-State. There is no spending limit. Spending has ballooned under the spending limit law.

Tax-exempt organizations. In 1984 about $6.7 million was spent by 85 tax-exempt organizations to conduct "nonpartisan" voter drives. All of these operations were undisclosed and outside of legal limits, yet the funds raised and spent by these organizations were carefully directed by operatives in political parties in Presidential campaigns.

This kind of activity has thrived under the system that we refer to, which is supposed to impose spending limits in Presidential races. All of these activities have developed because the system did not work.

Let us look at total outside, noncandidate spending. Before spending limits and taxpayer financing, outside spending constituted less than 10 percent of overall spending. Less than 10 percent. In 1980 and after, special interest spending to influence elections has represented at least one-quarter of all moneys spent on behalf of candidates. Mr. President, if you add in party spending, then about one-third of all expenditures now made in Presidential elections are outside of the control of the two candidates. Let me repeat that. Again, we are looking at the system under which we currently operate that has been lauded and applauded by so many in this body. Under that system which we call a spending limit system—not only overall but State-by-State one-third of all expenditures now made in Presidential elections are outside the control of the two candidates. This is progress? Do you want to apply this system to congressional races? It is a disaster.

Under the Presidential system, we also have seen a return to the fat cats. We are all familiar with the term "fat cat." In the old days, you know, they could ante up a huge amount of money for their favorite candidate. It was thought, under this Presidential system of spending limits, we would get rid of the fat cats.

In 1983, political activist Stewart Mott bailed out a struggling Democratic contender by allowing him to charge $131,000 to his direct mail fund, and then holding a $500-a-person fundraiser to help him pay the bill. Mott did the same thing in 1980, by extending half a million dollars worth of credit to John Anderson, who ran as an Independent. This enabled Mott to boast, "I figured out how to be a fat cat again."

I figured out how to be a fat cat again, and I have done it under this new system that we set up for Presidential elections, which is supposed to have an overall spending limit, and a per State spending limit, and will hold down the cost of campaigns. Well, it has done nothing, none of those things. It has just encouraged creative spending and other ways around the system.

The Kennedy School of Government at Harvard, Mr. President, I think, is an interesting source of a lot of critigues of the Presidential system. These are folks there who study it, who have the statistics, who understand what have been the implications of this new system for our political process. The Kennedy School of Government at Harvard, reporting on noncandidate political spending in 1982, said as follows: "A more serious consequence of the growth of money in Presidential elections has been the effort by political forces to expand the flow of money outside the constricted budgets of the actual contenders. These funding sources are all less accountable to the electorate than are the candidates. This constitutes," the Kennedy School concluded, "a failure of the act's orginial purpose."

What did those folks at the Kennedy School of Government recommend? It recommended that "an effort should be made to bring into public record a better accounting of the money spent by labor unions and others"—evenhanded here—"for election-related communications with Members."

Well, there you have how it has worked in a lot of respects, Mr. President. It has been a real jewel, that Presidential election system that we have lauded and applauded in this body. It has been a winner. One out of every $4 raised is given to lawyers and accountants. We have turned a bunch of honest people into cheaters. We have spent half our time trying to figure out how to get around a ridiculous law. And what else has happened? Well, there are some other interesting conclusions.

Voter turnout. One of the things that was said back before this was passed, was, well, we are going to put a spending limit on and put some public money in, and voters are going to get real excited about the process again. They are going to come out in hordes because we will have cleansed the process. The voters will come out in hordes.

Well, voter turnout has stagnated. It was at 55 percent in 1972, before we passed this law, and it was at 53 percent in 1984, after we had had three elections under it. I, frankly, do not think how we fund campaigns has much to do with turnout one way or another, but it certainly did not turn the voters on in such massive numbers that they wanted to come out and participate in the process, because we had somehow "cleansed" it by putting on limits that nobody would follow.

Grassroots politics in campaigns. With the possible exception of Iowa, which is a caucus State, why, it has dried up. In all the noncaucus States, politicking "ain't what it used to be."

David Broder, probably the most respected political reporter in America, in the Washington Post, said:

There is a cost to public financing. Public financing in Presidential campaigns has meant a virtual shutdown of local headquarters financed by small contributions.

David Broder said further:

Grassroots democracy has died.

It has died.

That is what we did. We said we are going to limit spending; we are going to cleanse the system; and we created an approach which killed off grassroots democracy.

There is less connection now between the candidates and the voters. Broder further said in the Post:

There is a political risk in dipping into the Treasury for campaign funds, even though a voluntary checkoff. The only applause from the tourists in gallery came when Senator GRAMM of Texas called taxpayer financing of congressional campaigns a total alien idea to American democracy.

And at the other end of the political spectrum, that well-known conservative, Senator Eugene McCarthy, testified against public financing. Senator Eugene McCarthy, one of the great liberals of all time, said as follows:

The isolation of political leaders from the influences of individuals sounds like, and is, totalitarianism.

That is what Senator Eugene McCarthy had to say about this system under which we have been operating in Presidential elections since 1974. It is totalitarianism.

What kind of conclusions is it safe to draw, Mr. President? If we want to know how S. 2 would work in practice, we know there has been a lot of speculation here on the floor. I engaged in some of it and the Senator from Oklahoma and others engaged in it, but we have a model. If we want to know how S. 2 would work in practice, we ought to look at the Presidential system of spending limits and taxpayer financing. In all, this system is just another failed welfare program, a multimillion-dollar failure—a multimillion-dollar failure—at reducing spending, curbing scandal and fostering respect for the law and the election process.

We should not be trying to put an arbitrary clamp on citizen participation in politics. That is all a spending limit is. It says to the candidate, at least in terms of the cash contribution, and I have mentioned all the other ways to get around it, "You cannot get any more support than this. This is the limit on your support."

It is a great idea? Terrific. Tell the candidate how much support he can get.

We should not be trying to put an arbitrary clamp on citizen participation in politics. Instead, we should restrict the special interests input, enforce contribution limits, and require more disclosure. As Justice Brandeis said, "sunlight is the best disinfectant."

What were the findings of the Kennedy School of Government at Harvard?

Well, in 1982, Mr. President, the Senate Committee on Rules and Administration asked the Kennedy School of Government to study the post-Watergate campaign finance reforms and to recommend changes. This is what the study group concluded and reported to the Senate Rules Committee:

Among the problems of the post-Watergate reforms, the most troublesome are related to the attempt to restrict the money spent in Presidential campaigns.

I repeat:

The most troublesome problems of the post-Watergate reforms are related to the attempt to restrict the money spent in Presidential campaigns.

The report went on:

Candidates are not allowed to spend enough money. The expenditure limits have spawned a whole series of serious problems of definition, allocation, and enforcement.

"On the other hand," the Kennedy School of Government report continued:

The effort to control total spending has not succeeded. Those involved in Presidential politics are able to raise and spend unlimited amounts of money through conduits other than the candidates' campaign committees.

The Kennedy School report goes on:

To make matters worse, most of the other means through which money is now being poured into Presidential politics are inherently less accountable to the electorate and should not be encouraged by the campaign laws.

Here you have it, Mr. President, the clincher from the Kennedy School of Government at Harvard's principal conclusion:

Thus, our most important recommendation is to eliminate the limitations on expenditures made by candidates.

The principal recommendation of the Kennedy School of Government at Harvard was as follows, and I quote:

Thus, our most important recommendation is to eliminate the limitations on expenditures made by candidates. Spending limits have proved undesirable for a variety of reasons.

Here are some of them identified by the Kennedy School:

"The spending limits fail to equalize resources of different candidates;

"The spending limits fail to curtail the growth of money in Presidential politics;

"The spending limits fail to shorten the overall lengths of campaigns;

"The spending limits fail to reduce the emphasis on early primaries;

"The spending limits intrude unduly into campaign strategies;

"And the spending limits created thorny problems with arbitrary definitions, creative accounting, and entangle enforcement."

Finally, the Kennedy School of Government at Harvard said:

"The spending limits foster disrespect for the law."

Mr. President, that measure was enacted in the name of progress. That measure was enacted allegedly to cleanup the Presidential system. Clearly, by any objective standard, and it is particularly timely to note this today, the day after the New Hampshire primary during this Presidential season, what a disaster it has been. It demeans the process. It should not be extended any further down the Federal system.

Mr. President, I would ask unanimous consent to insert several things into the RECORD at this point. These are articles on how the Presidential system has eroded public confidence in the electoral process.

First, a Washington Times article headlined "$28.7 Million Sent to 1988 Campaigns."

Second, a New York Times article entitled "Minor Candidate Gets U.S. Funds."

A third New York Times article with the headline: "Presidential Candidates Find No Cure for 'Absentee Elector Syndrome'."

Fourth, a Washington Times article: "Jackson Campaign Fined" for underreporting spending receipts by a million dollars, taking contributions from corporations, and taking contributions in excess of legal limits.

And a Wall Street Journal article called it "Marathon Men."

All of these articles tell the real story, the real story of what Presidential politics has been like since the "reform legislation."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Times, Jan. 5, 1988]

$28.7 MILLION SENT TO 1988 CAMPAIGNS

(By Amy Bayer)

The U.S. Treasury poured $28.7 million in public financing into the war chests of 12 presidential candidates yesterday, with the Republican Party's top contenders far outscoring the Democrats in fund-raising totals.

Vice President George Bush, the frontrunner for the GOP presidential nomination, led the pack in campaign fund raising, pulling in a total of $18.7 million by the end of 1987. The Bush campaign qualified for an initial $5.8 million check from the Federal Election Commission, which disburses the money.

The campaign of Pat Robertson, the ex-television evangelist who this year raised $14.1 million, will be another $4.5 million richer when the federal contribution comes through this week. Mr. Robertson, who qualified for matching funds but has expressed opposition to federal funding of presidential campaigns, initially asked the FEC last week to delay his check, then changed his mind by week's end.

Senate Minority Leader Robert Dole of Kansas, who nearly doubled his campaign chest in the last three months, raised $14.3 million in 1987. His campaign will receive $4.3 million in matching funds.

The three top GOP fund-raisers should have no problem accumulating the maximum $27 million the FEC will allow a presidential candidate to spend, campaign aides said.

Rounding out the GOP fund-raising sweepstakes are Rep. Jack Kemp of New York, with $7.5 million; former Delaware Gov. Pete DuPont, $4.6 million; and Alexander Haig, $1.5 million. All three campaigns will receive federal matching funds this week. Mr. Kemp's will get $3 million; Mr. DuPont's $1.9 million; and Mr. Haig's, $274,000.

On the Democratic side, Massachusetts Gov. Michael Dukakis left his rivals far behind in the race for funds, raking in $10.6 million last year, at least twice the amount raised by any other Democrat. The Dukakis campaign will receive $3.5 million from the FEC.

Rep. Richard Gephardt of Missouri, Sen. Albert Gore of Tennessee and Sen. Paul Simon of Illinois each raised around $4 million last year. Mr. Gephardt's campaign will receive $1.7 million in matching funds; Mr.

Gore's, $1.5 million; and Mr. Simon's, $1.4 million. Arizona Gov. Bruce Babbitt's campaign, which raised $1.8 million, will receive $719,000.

Jesse Jackson, who raised $1.7 million by the end of last year, has not yet qualified for federal funds because of problems with bounced checks and incomplete documentation in his application. According to the FEC, Mr. Jackson's campaign aides are working this week with the FEC to iron out the problems. If ruled eligible, Mr. Jackson's campaign could receive federal funds within a month.

Gary Hart's campaign, which aide Dale Reed admitted was "run on a shoestring," will receive $100,000—the smallest slice of the matching funds pie. Mr. Reed could not provide current fund-raising figures.

The presidential election campaign fund—first used in the 1976 elections—gives eligible candidates federal funds on a matching dollar-for-dollar basis for individual contributions up to $250. Candidates must raise at least $5,000 in individual contributions from each of 20 states—for a total exceeding $100,000—to be eligible for federal funds.

Candidates who accept federal funds must agree to FEC-determined spending limits and audits.

Taxpayers voluntarily support the program by checking a box on their tax return that directs one dollar of their tax payment to the campaign fund—a pool of money set aside in the Treasury.

Candidates can apply for additional matching funds once each month throughout the primaries. During this time, candidates are barred from spending more than approximately $22 million, up to half of which is eligible for matching funds. The FEC estimates $65 million will be paid out to candidates during the primaries.

In addition, the Republican and Democratic nominees will receive another $47 million each to spend on the general election.

Mr. Bush thus far has been able to run a campaign much larger in scope than his rivals, giving him the financial muscle to staff 32 offices in 25 states, more than any other candidate, according to campaign spokeswoman Barbara Pardue.

"We can raise the money because Bush has the qualities of leadership people can identify with, or they wouldn't make a financial investment in his campaign," Miss Pardue said.

But other GOP candidates with smaller bank accounts are keeping their chins high.

"We refuse to be intimidated by George Bush's money," said John Buckley, press secretary for Mr. Kemp, who has borrowed heavily against the $3 million FEC check due this week.

Mr. Buckley said the Kemp campaign will "max out" in Iowa and New Hampshire—meaning it will spend the maximum allowed for those races.

"All the king's horses and all the king's men can't spend more than the limit," Mr. Buckley said. "So if Bush is spending what Kemp is spending, it doesn't really matter if George Bush has $9 million waiting in the bank."

Similarly, the Simon campaign will fight the Dukakis campaign through "worth, not money," according to spokesman Jim Killpatrick. "We're running the campaign we set out to run," he said. "[Mr. Dukakis] has a lot more offices and a lot more paid staffers, but as we see it, he'll need a lot more."

The Simon campaign borrowed $800,000 against the $1.4 million it will receive from the FEC. When that debt is paid, the campaign will have approximately $800,000 cash on hand, according to Mr. Killpatrick.

WHAT THE CANDIDATES HAVE RAISED

[Presidential campaign contributions raised and matched by the Federal Election Commission. In millions of dollars]

	Money raised (as of Dec. 30)	Federal matching funds approved (as of Jan. 4)
Republicans:		
Bush	$18.7	$5.8
Dole	14.3	4.3
DuPont	4.6	1.9
Haig	1.5	0.3
Kemp	7.5	3.0
Robertson	14.1	4.5
Democrats:		
Babbitt	1.8	0.7
Dukakis	10.6	3.5
Gephardt	4.4	1.7
Gore	3.8	1.6
Hart [1]	2.2	0.1
Jackson	1.7	([2])
Simon	3.8	1.4

[1] As of Sept. 30.
[2] The Jackson campaign has not yet been ruled eligible to receive Federal money.
Source: Federal Election Commission.

Minor Candidate Gets U.S. Funds; Decision on LaRouche Is Delayed

(By Richard L. Berke)

WASHINGTON.—The Federal Election Commission today grappled with whether to grant public matching funds to Presidential campaigns of two minor candidates who received donations from people who the commission feared might not have realized they were contributing to a political campaign.

The commission approved $205,565 in matching subsidies for the campaign of Dr. Lenora B. Fulani, a Manhattan psychologist who is running as an independent. Her campaign collected a large amount of money at two fund-raising concerts last year, but the commissioners had expressed concern that donors might not have known that their money was for a political candidate.

FUNDS FOR FULANI CAMPAIGN

But the commission deferred a vote on whether to grant matching funds to the campaign of Lyndon H. LaRouche Jr., the political extremist who is seeking the Democratic Presidential nomination, after the commission's legal staff expressed concern that some contributions to the LaRouche campaign might have come from people who thought their money was to be used to help stop the spread of AIDS.

The commission and the campaign agreed to send letters to about 1,000 contributors asking them to clarify the conditions under which they made their contributions.

In Dr. Fulani's case, the commission said it was satisfied that her campaign did not try to mislead the public about the nature of the concerts.

The commission voted, 5 to 0, to grant the funds to the Fulani campaign, but Commissioner Joan D. Aikens abstained, saying he was concerned about minor party candidates' receiving Federal subsidies before the general election campaign.

Major party contenders who get less than 10 percent of the vote in their party's primaries, Ms. Aikens noted, can be disqualified from receiving matching funds. "It is granted every citizen's right to run for President," he said. "But it is not every candidate's right to receive public funds."

All campaigns, whether of a minor party candidate or a major party candidate, must meet the same requirements to qualify for matching funds. These include raising $5,000 in individual contributions of $250 or less in each of 20 states. Campaigns must also prove that their candidates are actively seeking the Presidential nomination and are trying to get on the ballot in more than one state. In the past, campaigns of most minor party candidates have had difficulty meeting those requirements.

The only other minor party candidate ever to receive matching funds in a primary season was Sonia Johnson, a feminist who was excommunicated from the Mormon Church because of her views. The campaign of Ms. Johnson, who ran on the Citizens Party platform, recieved $193,735 in Federal money in 1984.

Presidential Candidates Find No Cure for "Absentee Legislator Syndrome"

(By Clifford D. May)

WASHINGTON.—In May, the House of Representatives voted on an amendment to establish a bipartisan commission empowered to close unneeded military bases.

How did Representative Richard A. Gephardt, Democrat of Missouri, vote on this key legislation with implications for both the Federal budget deficit and United States security?

He did not vote.

In June, the House voted on an amendment to bar travel by United States citizens to Central America for the purpose of assisting the military operations of the Nicaraguan Government.

How did Jack F. Kemp, Republican of upstate New York, a fiery opponent of the Managua regime, vote on this issue?

He did not vote.

Mr. Kemp has missed more than 200 votes since the beginning of the year, and Mr. Gephardt has failed to participate in more than 250, far more than is usual for lawmakers. Instead, the bulk of their time and energy has been invested in the race for their parties' Presidential nominations.

DOLE IS THE EXCEPTION

The attendance record is not much better for the other legislators who are Presidential candidates. Senator Paul Simon, Democrat of Illinois, has missed more than 150 votes this year. Senator Albert Gore Jr., Democrat of Tennessee, has been absent for about 125. And the percentage of votes all these candidates have missed has been increasing sharply as the primary season draws near.

The one exception among the Presidential contenders has been the Senate minority leader, Bob Dole, who has missed only 11 votes since last January. However, Mr. Dole, a Kansas Republican, officially announced his candidacy only on Nov. 9.

Vice President Bush does not vote except to break ties in the Senate.

A CONTINUING PROBLEM

The conflict between legislating and running for office is not new. Each Presidential year, candidates who hold public office face the challenge of balancing the demands of their work in Washington with the call of the hustings and the campaign trail. The latter usually takes precedence, a fact that may come to haunt their later political careers.

But while the "absentee legislator syndrome" is well know, it is not something that the candidates are eager to talk about. Mcst did not return phone calls on the subject, nor did they allow their spokesman todiscuss the subject for them.

One who was willing to discuss the matter was Mr. Kemp. "I'm representing my district," he said. "I'm earning my keep."

His constituents, Mr. Kemp went on, knew when they elected him that he was going to run for higher office; he said he was serving them better by pounding the pavement and pressing the flesh in Iowa and New Hampshire than by resting on his laurels in Washington.

THAT MEANS MISSING VOTES

James Kilpatrick, press secretary to Mr. Simon, acknowledged that the Senator's absence from the Senate floor had been a sensitive issue back home. "The Chicago papers are very good about pointing out who votes and who doesn't, and you get a lot of letters to the editor when votes are missed" he said. "But it just isn't possible to do everything. We decided way back when that if Paul was going to run, he was going to run and that means missing votes."

Mr. Kilpatrick noted, too, that when votes or other events considered especially important have taken place, like the battle over the Supreme Court nomination of Robert H. Bork, Mr. Simon, a member of the Judiciary Committee, canceled campaign events to participate.

Theodore J. Lowi, senior professor of American institutions at Cornell University, said: "It really isn't possible anymore for a politician to both run for office and do his job effectively. This is an important characteristic of contemporary politics."

KENNEDY OFTEN ABSENT

He and several other experts on the Presidency speculated that the problem of conflicting duties might be one reason no incumbent officeholder since World War II, with the exception of John F. Kennedy, has been elected to the Presidency.

"Eisenhower, Nixon, Carter, Reagan, all were out of office at the time they ran for President and won," noted William Schneider, a political analyst with the American Enterprise Institute, a Washington research organization. Truman, Johnson and Ford were all Vice Presidents who acceded to the Presidency rather than being elected.

As for Kennedy, he was "notorious for his absences" from the Senate floor when he was running for office, Professor Lowi said.

Henry Graff, an expert on the Presidency at Columbia University, said that the voters might prefer candidates who are not in office. "They enjoy an advantage because they're not in the muck and slime of the daily activities of governing," he said.

Whatever the comparative advantages, changes in the way candidates have been nominated since 1972 have tended to encourage a broader range of officeholders to run for President, Professor Lowi said, even though none of them has been elected. "They system has become wide open," he said. "The key is the decline of the political parties and the loss of control of the nominating process."

This more open system, with its emphasis on a few early primaries and its de-emphasis on party power brokers, "means that even young members of the House can now get into the race, which was not always the case," Professor Lowi said. "But it also means that a candidate has to start early and spend more time paying dues out there. So you have to be away from Washington and the work you're getting paid to be do there. I don't want to forgive anybody, yet I'm sympathetic. It's inevitable."

LATER, POSSIBLE PROBLEM

None of the experts thought it likely that chronic absenteeism would become an important issue in the current Presidential campaign. "Al Gore is not going to lose the Tennessee primary because he missed a lot of votes in Washington," Mr. Schneider said. But several said that the issue might come back to haunt the candidates later. "Those, whose campaigns are unsuccessful—and most will be, after all—may find their standing at home eroded," Mr. Schneider said.

He cited Senator Alan Cranston of California, whose unsuccessful run for the 1984 Democratic Presidential nomination, rebounded in 1986, when the absentee issue contributed to an uncharacteristically close re-election race.

"When they run for re-election," Mr. Schneider said, "their opponents will be able to depict them as national figures who ignored their states in order to try to fulfill a vain ambition to be President. And their records of absenteeism will be used as a potent symbol of that."

JACKSON CAMPAIGN FINED

The Federal Election Commission has fined Jesse Jackson's 1984 presidential campaign committee $13,000 for under-reporting his funds and for failure to provide adequate detail on contributions.

Mr. Jackson's campaign agreed to pay the fine, announced Monday by the FEC, but maintained that the reporting problems were inadvertent and eventually corrected. The FEC action came following a routine audit the commission conducts on all presidential candidates who receive federal matching funds.

The FEC alleged Mr. Jackson's campaign under-reported spending by $1.09 million and receipts by $825,959, accepted contributions from 29 individuals that were each over the $1,000 limit, accepted contributions totaling $5,850 in the form of loans from a corporation and failed to itemize $58,049 in contributions. Election law requires that all contributions in excess of $200 be itemized.

FEC records show Mr. Jackson raised and spent more than $8.2 million on his 1984 campaign, said FEC spokeswoman Karen Finucan.

Mr. Jackson's campaign treasurer, Emma Chappell, said in a letter to the FEC that mistakes in financial reporting "reflected the technical inexperience of local dedicated grass-roots volunteers" and were not willful and deliberate violations.

The fine, while larger than most the FEC levies on various enforcement actions, was less than some others. the 1984 committee of Walter Mondale paid $726,640 in fines and repayments for various violations.

THE MARATHON MEN—IN THE RACE FOR THE ULTIMATE PRIZE, IT'S ON YOUR MARK, GET SET, RAISE MONEY

(By Brooks Jackson)

To get to the White House, follow the rules: Spend lots of time being nice to rich people, especially New Yorkers and Californians. Photocopy your checks in alphabetical order. And look for loopholes.

At least since the Civil war, the road to the White House has been paved with money. Modern campaigns cost tens of millions of dollars, but it must be raised and spent under intricate rules that are supposed to prevent scandals.

The rules work up to a point. Nobody has recently been caught paying hush money with leftover campaign cash from a White House safe, as happened during the Watergate scandal. Nor has anyone been caught selling off government oil reserves to a millionaire who picked up the markers of the president's political party, as happened in the Teapot Dome scandal of the 1920s.

But the rules also make presidential campaigning a bureaucratized, regulated business run by lawyers, accountants, and political marketers. Here is how the system works:

RULE NO. 1: FIND SOME FAT CATS, QUICK

Starting a presidential campaign requires an immediate jolt of big money. Long before a candidate declares for the White House, there are staff people to hire, offices to rent, telephones to install, computers to lease, airline tickets to buy, and lots of stuff to print.

Vendors want deposits or payment up front. Federally regulated telephone companies and airlines can't legally give credit to candidates anymore. Businesses all over Iowa and New Hampshire have learned, to their sorrow, that U.S. senators will write rubber checks when infected by White House fever. Federal Express kept Vice President Bush waiting for weeks before agreeing to set up a charge account.

The law forbids donors from giving more than $1,000 each, or $2,000 a couple. So candidates look for a chief money collector with lots of rich friends. Vice President Bush would have been perfect for the job if he weren't running himself. Sen. Robert Dole, after years on the tax-writing Finance Committee, seems to know half the corporate CEOs in the country. So the Bush and Dole campaigns are well fixed. But others need outside help.

Democratic hopeful Bruce Babbitt, from a wealthy family himself, tapped a rich Chicago commodity trader, Richard Dennis, to scout up donations. Gov. Michael Dukakis landed Robert Farmer, a fellow Harvard man who made a fortune publishing training materials for corporate managers. Sen. Albert Gore's chief fundraiser, Washington real estate developer Nathan Landow, shopped around for a presidential aspirant to back while claiming the ability to scare up $4 million from personal contacts.

RULE NO. 2: GO WHERE THE MONEY IS

A modern presidential campaign is designed to suck money out of New York and California and spend it in Iowa and New Hampshire. In the 1984 election, New York and California supplied nearly one-third of all donations exceeding $500 to presidential candidates of both parties. Those two states plus Texas and Florida supplied 49%, though the four together contain only 29% of the U.S. population.

Texas used to supply even more money before the slump in the oil industry. On the other hand, well-heeled Massachusetts, ranked seventh last time, most certainly will move up because of its prospering economy and the White House bid of its incumbent governor, Mr. Dukakis.

Candidates spend as much of their time campaigning for dollars in the money states as they do campaigning for votes in the early-primary and caucus states. Sen. Paul Simon's chief fundraiser, former Rep. Bob Edgar, calls New York, California and Illinois—Sen. Simon's home state—his "first tier" states. Florida, Texas and the lobbyists' haven, Washington, D.C., are "second tier."

"For every two days you spend in California, you spend a day in Texas," Mr. Edgar

says. Sen. Simon makes at least one trip a month to New York, California and Illinois. Mr. Edgar estimates his candidate spends half his campaign time scouting for money.

RULE NO. 3: TAP FEDERAL SUBSIDIES

Even conservatives who despise the idea take federal campaign subsidies. Candidates can get U.S. Treasury checks matching every dollar raised from a private donor, up to $250 a donor. But taking the subsidies means agreeing to spending limits.

Donation limits apply to everybody, but those who take subsidies must also agree to spend no more than about $28 million (depending on an inflation adjustment) to get their party's nomination. It is legal to spend any amount if it all comes from private donors. But just raising $28 million would take the equivalent of 28,000 people all writing $1,000 checks, or 280,000 giving an average of $100. So nearly everyone accepts the subsidies. The only major candidate to try the non-subsidy, no-limit route before this campaign was John Connally in 1980.

The subsidies produce some queer economics. Reacting to a news story suggesting their campaign was broke, Jack Kemp's campaign manager Charlie Black recently issued a news release insisting "the Kemp campaign is not in the red"—even though it had only $407,000 in cash to cover $1.4 million owed to banks and vendors. Mr. Black's statement pointed out that future subsidies amounted to a hidden asset. He said donations already received would qualify the campaign for $3 million to be paid next year.

Raising small donations requires expensive, computer-addressed mass mailings. But candidates will gladly spend $1 to raise a $1 donation, because it can be "matched" with the additional $1 in federal money. A big list of small donors is also especially valuable late in a campaign, when it can be milked again and again for additional gifts. Too many "maxed-out" donors, who have given the legal limit of $1,000 each, can become a dead asset when their money is spent and more is needed.

Rep. Kemp, incidentally, is pursuing more small donations than his rivals because he has a relative shortage of rich backers. Republican Barry Goldwater did the same thing for the same reasons in 1964, as did Democrats George McGovern in 1972 and George Wallace in 1976 and Republican-turned-third-party candidate John Anderson in 1980.

RULE NO. 4: FLASH A BIG ROLL

Against all reason, money has become the measuring stick by which the media judge candidates during the early going, before anybody votes in primaries or caucuses.

In truth, while having no money is fatal to a campaign, spending a lot of it doesn't affect presidential voters very much because the races are dominated by lavish television, magazine and newspaper coverage. At the end of 1975, Jimmy Carter had eked out less than $1 million, far behind Sen. Henry Jackson's $2.6 million and Gov. Wallace's nearly $3 million. Running for re-election in 1980, Mr. Carter outspent Sen. Edward Kennedy $722,272 to $215,050 in the crucial Pennsylvania primary, where he hoped to deal the challenger a fatal blow. Mr. Carter lost anyway. The same year, Mr. Connally spent $13,698,056 to win a single Republican convention delegate.

Nevertheless, until the first votes are cast in Iowa and New Hampshire next year, reporters have little to count but the money. Consequently, candidates contend to have the healthiest bank balance "showing" on their reports. "The first 'primary' was June 30, and we won," declares Mr. Farmer, Gov. Dukakis's fundraiser. On that cutoff date for disclosing campaign funds, the Dukakis campaign had raised a total of $4.6 million, outdistancing the nearest Democratic rival by more than $1 million. Reporters quickly began treating Gov. Dukakis as the front-runner, though he still trailed Jesse Jackson in public-opinion polls.

RULE NO. 5: GET USED TO BUREAUCRACY

Gone are the carefree days of cash-filled briefcases. Presidential campaigns these days have to be run like any regulated business, with yards of red tape to deal with.

The Bush campaign employs about a dozen staff aides just to telephone donors who failed to list their occupation or employer, information that campaigns must put on disclosure reports. And when preparing an application for matching funds, the Bush staff takes more than 100 different steps to verify each check submitted to the Federal Election Commission's green-eyeshades brigade. Every check must then be copied, in alphabetical order, to facilitate the commission's spot-checking for accuracy.

The FEC wasn't always so fussy. In 1976 the presidential campaign of Pennsylvania Gov. Milton Shapp got $299,061 from the Treasury based on fraudulent applications that weren't uncovered until too late. Gov. Shapp later repaid the money, and some campaign workers were convicted of criminal charges.

RULE NO. 6: CHEAT

Candidates who take subsidies next year can't legally spend more than $780,000 in Iowa or $465,000 in New Hampshire. There are limits for all other states, too, but they are high enough that they don't matter. The state limits are a colossal legal and accounting nuisance; the FEC regularly recommends that they be abolished, and Congress is expected to rescind them the next time it gets around to amending the law. Meanwhile, though, nearly everybody cheats. Jimmy Carter, Edward Kennedy, Ronald Reagan, Walter Mondale—all have been cited.

Mr. Mondale's 1984 campaign was by far the most flagrant. "All activities around New Hampshire probably cost us $2 million," boasts Robert Beckel, who was a top staff operative in the campaign; the limit at the time was $404,000.

The Mondale campaign used a lot of legitimate loopholes. It bought television time on Boston stations and charged 90% of it off against the Massachusetts limit, even though the only viewers who mattered resided in New Hampshire. Mr. Beckel describes other tactics that seem questionable but weren't challenged by FEC auditors. Out-of-state printing, postage and telephones were targeted on Iowa or New Hampshire but charged to the state where they originated. The campaign was caught and fined when it charged $56,000 worth of rental cars off against the budgets for Massachusetts and Minnesota even though they were actually used in Iowa and New Hampshire.

The winner in the general election used some creative methods, too. Ronald Reagan's campaign registered voters for the general election campaign using $2 million charged to his uncontested renomination. The staff of the election commission challenged that and recommended that $778,000 in federal subsidies be repaid to the Treasury. But the auditors were overruled by a 4-to-1 vote of the commission, in which all Republican members sided with the president.

In the current campaign, questions have been raised already about various gimmicks used to finance the search for Michigan delegates by Messrs. Bush and Kemp and by Pat Robertson. More questions are sure to arise as the campaign heats up. Equally sure is that the FEC won't be able to do much until long after the election is over.

"I think this whole FEC thing is a sham," declares Mr. Beckel, reflecting a widespread attitude among presidential campaigners. "If you're not finding every loophole that's available, you're not doing your job."

I thought it appropriate, Mr. President, by way of opening remarks on this issue on this side of the aisle, that we take a look at the Presidential system, what it has done to Presidential elections in this country, and ask ourselves, truly ask ourselves do we want to extend that nightmare to any more races in this country?

Mr. McCONNELL. Last year we spent all of our time in a very partisan manner posturing back and forth on this issue. We had seven cloture votes. They were essentially party-line votes.

We are starting differently this year. The distinguished majority leader and the assistant Republican leader have taken a much needed and desirable step in the direction of passing a truly bipartisan campaign finance reform bill. The committee of eight will meet perhaps as soon as tomorrow. We will have a chance to see whether it is possible to construct the kind of measure that ought to be constructed, that could pass this body 90 to 10.

There are some changes that need to be made, Mr. President. Too many millionaires are buying office. I say that with all due respect to some of those in this body who have been able to do that. As you know, it is not easy to cure that problem. The Supreme Court in Buckley versus Valeo said it was unconstitutional to tell a candidate how much he or she could put of personal money into a campaign. Thus, it left a gaping loophole in the process.

But there are some other ways of getting at it. There are at least two proposals for which I think we could get bipartisan support.

One was in a measure that I introduced last year with a number of cosponsors, which had a provision—originated by Senator DOMENICI of New Mexico—which said that if you were going to spend in excess of a quarter of a million dollars of your own money in a campaign, you would so notify your opponent at the beginning of the election contest, certifying that fact to the Federal Election Commission. Having done that and having notified your opponent that the ground rules were going to be substantially different for you and for him, the limit on what he could accept from individuals would go up from $1,000 to $10,000. It

would not totally level the playing field, but at least it would give the opponent of the rich candidate a chance to keep up in the spending derby.

Since the last year, I have thought of another approach that I think might help, and I will be introducing shortly a bill that says essentially this, Mr. President: Under the Constitution we cannot tell you how much of your own money you can spend or how much you can borrow. But under my bill, if it became law, you could not get it back. You could not ante up a huge amount of money, go out and buy public office, and then spend the first 6 months in office going around shaking down every special interest in town to get yourself paid back. So it would test the true conviction of the millionaire candidate. I do not suppose it would keep the big, big bucks people out of the race, but somebody who is just a little bit rich, just a little bit wealthy, might think twice if they thought there was no hope at all of retrieving that advance, once the decision was made to ante up a significant amount of their own money.

Under this system, you would not only trigger for your opponent an opportunity to get a larger individual contribution but you also would know you were going to have to eat it. If you spend $5 million on your race, you are going to be $5 billion poorer when it is over. That is just another way of doing something to diminish the growing tendency to "buy" public office in this country. And by the way, none of the versions of S. 2 do anything about that problem. The wealthy candidate can simply ignore the proposals in Byrd-Boren III and go out and buy their office.

The statistics indicate that wealthy candidates who spend their own fortunes has been one of the major driving forces in the increase of campaign spending.

A second driving force in the increase of spending is political action committees. Mr. President, as you know, I was the original sponsor of a bill last year that would have eliminated the political action committee altogether. Most people around the country, when they think of campaign finance reform, think of PAC's. That is what they are thinking about, not spending limits or taxpayers' dollars. They are thinking about PAC's.

I did not get a whole lot of interest in that bill, so I suppose that there is not much sentiment for eliminating PAC contributions, but we could do this: we certainly could lower them. Senator BOREN and Senator Goldwater, 2 years ago, had a proposal to lower political action committee contributions I think from $5,000 to $2,500 per election. That is the kind of measure, it seems to me, we could agree on on a bipartisan basis. PAC spending certainly has increased and it is one of the principal things driving up the cost of campaigns.

Another force driving up the cost of campaigns, Mr. President, is how much we have to pay for TV. Television is the magic medium. You cannot get elected to public office in this country, at least not a major public office, without effective use of television. That is not going to change. We are not going to go back to the horse and buggy. We are not going to go back to the courthouse rally. We are not going to go back to meaningless handshakes. You can shake hands your entire life in the State of California and never meet half the voters. And even if you did meet them, you would say, "Hi, how are you?," which is not exactly a very enlightening political interchange.

So we are not going to go back to the dark horse—but this could be done: there has been a tendency across the land on the part of television stations to raise the lowest unit rate available during the election season. The current rule is that the stations must sell us the time at the lowest unit rate available for any customer. I think the following measure might be appropriate. We could include in some bipartisan campaign proposal a measure that required the stations to sell us the time at the lowest unit rate available for the preceding year. That would be, in most States, a nonelection year. It would eliminate the rather pronounced tendency to, during the election season, raise the lowest unit rate for everyone so that you can zap it to the candidates for those 60 days that you have got them. Stations know they have us during that period, so they raise the lowest unit rate and we are forced to run around raising the money to pay for that.

Those three things have driven up the cost of campaigning significantly: More and more millionaires buying office, an increase in the total amount of PAC contributions, and the soaring costs of television.

I think it is quite possible we could agree on a bill that did something about all three of those areas. That is the kind of bill, it seems to me, we might be able to pass through this body 90 to 10. Those are the kinds of proposals that the group of eight will be considering, starting as early as tomorrow.

The Senator from Kentucky would not argue that the current system is perfect. It is not. But the two important principles of the post-Watergate legislation which apply to congressional races remain sound, and those principles were these: Limits on individual contributions and full public disclosure. The only thing which distorted that process was the millionaire's loophole, through which the individual could spend a huge amount of money in his own behalf, and the advent and proliferation of PAC's. If we had a handle on television costs, if we lowered PAC contributions somewhat, and if we put some encroachments—which we can do constitutionally—on the ability of millionaire candidates to pay themselves back after the election, then I think we can make an improvement in the process.

But finally, let me say, Mr. President, it is not an improvement in the process to go out and imitate the Presidential system.

For all of the reasons that I have just covered, that system needs fixing.

The changes that we need to make in congressional campaigns are small modifications. The changes that we ought to make in the Presidential system are major adjustments. We do not want to create a similar system for congressional races. We do not want to encourage cheating. We do not want to make work for more lawyers and accountants. We want a system that embodies the two post-Watergate principles of limits on contributions and full disclosure. When you do that, Mr. President, you have brought light into the process.

Sure, people do not like to spend time raising money. But we have made some steps in that direction already. The majority leader has instituted a very enlightened system, in my judgment, under which we are in session 3 weeks and out of session 1 week. This gives us an opportunity to go home and to conduct the public's business here. No longer should any Senator say to the majority leader, "Well, I have a fundraiser tonight. I don't want to vote after a certain period of time." No longer should any Senator say that to the majority leader. We know in advance now when we can do it. He has given us a week, a month with wide discretion to see our constituents, raise money, and do whatever we want to do during that period. So that excuse is eliminated. No longer will that problem complicate his life, or certainly he has an answer if somebody tries to use that excuse to get him to "let us get out at a certain time because I have to go hither or yon for a fundraiser." We do not have to do that any more. We have a time for fundraising.

Second, if we want to cut down the time for fundraising—in addition to making campaigns less expensive by reducing PAC contributions, cutting down on the cost of television, and doing something about the millionaire problem—another way to get at it is to raise the limit on individual contributions. I have not advocated that in the past, but one of the reasons it takes a while to raise money is when you are limited to $1,000 per contributor, you have to have more of them.

That limit serves a good public purpose, by the way. It requires you to have a very wide base of support. In

order to get there, to raise a reasonable amount of money, to pay the TV stations, you have to get a lot of people.

But if we are concerned about the time involved, we can raise the contribution levels somewhat. It has not been raised since 1974. It has been $1,000 since 1974. The cost of television has not been stagnant since 1974, or the cost of consultants, or the cost of direct mail, or the cost of telephone banks, or any other campaign expense. What is happening is an escalating cost for campaigns, but the contribution limits have remained without even an inflationary adjustment.

So, we have two things in the mill here that we can do on the question of time required for raising money. First of all, all fundraisers should be in the week that the leader has given us to do other things, rather than simply being involved directly in the floor business in the Senate. And second, if we still find it time consuming, we can simply adjust up the level of individual contributions. Believe me, it does not take you as long to get there if you can get, say, $2,000 per contributor, as opposed to $1,000 per contributor.

Also, I think it would be pretty hard to argue that a $2,000 contributor was going to have a disproportionate influence on you, since the typical Senate campaign is a couple of million dollars. I do not think going from $1,000 to $2,000 is going to give that individual contributor any greater hold on you. So those are adjustments that we can make, Mr. President—all I think we can agree to on a bipartisan basis.

I look forward to sitting down with the committee of eight to discuss all of those proposals and others.

Again, I commend the leadership for establishing the committee of eight. I think it is clearly the way to go, and that we have a good chance of passing a bipartisan campaign finance reform bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHILES. Mr. President, today I want to talk a little bit about campaign politics, money, special interests, and all those kinds of subjects.

We know at the outset what we have seen in regard to the tremendous increase in the cost of campaigns. That has changed dramatically since I came to the Senate. We used to talk, in terms of spending, about a huge campaign in the State of Florida being if you spent $1 million. That was one in which it was funded to the hilt. I think I spent $230,000 when I was elected to the Senate. That was a campaign on the cheek at that time because I did not have the ability to raise big money. My campaign contributions were limited not at that time by any particular choice that I had made. The people sort of limited it for me. They just did not contribute any big money.

So I had a campaign of walking the State and people responded to that. And I did get elected, as I say, with an expenditure of a little over $200,000.

Six years later, campaigns were well over $1 million then. Probably approaching the $2 million or $2½ million mark would be again a well-funded, well-heeled campaign. And I was able to limit my contributions to $10 and raise $380,000 by getting 38,000 people to give me $10. It proved to be successful. I had sort of an army of people out there that were cheering me on in that work.

Then along comes political action committees and along comes negative campaigning that worked, and we began to see the negative PAC's, NCPAC and other negative groups, as well as the influence of the PAC contributions.

Mr. President, I remember when we had an amendment up here when we were just going into the legislation on PAC's and the Senator from Florida proposed that we not allow them to contribute directly to Senators, and that amendment failed narrowly on a motion to table. I think we literally had a tie vote and it failed by one or two votes. Well, that day is probably past here now, because we see the PAC's have grown larger and larger and the effects that they have in campaigning have grown at the same time.

Now, if someone talks about running a campaign in Florida, they talk in terms of needing to have $9 million to $12 million. So we see how that has gone over a period of some 18 years from $1 million being the well-heeled campaign to now somewhere in the neighborhood of $9 million to $12 million.

Mr. President, it seems to be a progression that has no stopping place. And it is growing on a basis, and it is a geometric sort of congressional growth that it makes. And my feeling is and what I have noticed along with that growth of spending—and I think many of us have felt the same thing—is the sort of distrust that has grown along with that on the part of the voters.

They feel that they know something is wrong with the system. Many of them have turned off the system and do not participate and feel that there is no way they can have an input.

I have to say about PAC's that I can understand how, defensively, a lot of them have started. Once you say you are going to have a PAC, then those on the labor side say they have to have it, and those who are contrary have to have them. The optometrist has to have one to compete with the ophthalmologist, and you go on and on, for reasons people set up.

I think many people feel that in joining a PAC, "I may be leveraging my money, and I can have more say or more influence." I think they are saying exactly that. Money is influence, and we know that is true.

Talk about it all you want: See where the PAC's contribute, look at where the committee assignments are, and they match along with that. You look along where the kind of support comes, and you see that that matches along with it, too.

The danger, as I see it, is that John Q. Citizen says: "If I'm not a part of this huge combine that can put together big money, if I can't make the big contributions, then my voice is not going to be heard and I can't participate, so I turn off the system, and I distrust it as well."

I see that being very dangerous to us, because the whole theory on which we think this democracy works, representative government, is that the majority of people, when fully informed, will make the right decisions.

It was Hamilton's philosophy that you had to have the elite. It was Jefferson and the others who felt that, innately, if you really could inform the majority, just as we believe in the jury system, we believe that that majority will make proper choices. I think it has proved to serve us well over a period of time.

I look at some of the elections now, and I wonder whether that works. In my State—well, in a lot of States, I think—less than half the people are registered to vote, and you have to be registered in my State to vote. In some turnouts, we see 30 percent to 40 percent of those registered participating in voting, and it takes only a majority of the 30 percent. Then I wonder if Jefferson would agree that we have the majority of the people making a decision.

Also, you have the 30-second commercial, and you have negative advertising, and you have one side, perhaps, having tremendous contributions, either because they are the incumbent or they have been selected by the PAC's—and remember, Mr. President, that the PAC's now run in packs. They are no longer single in many instances. They are industry or they are a philosophy PAC. They sit down and make decisions in which they have no emotions. They are able to move funds, in some instances, in the $200,000 to $300,000 range. It can be a positive movement or a negative movement: "We are going to put that much against someone; we are going to put that much for someone."

Mr. President, that influences votes. We know it. All of us here know it. I know that all of us here feel that the worst thing we have to do in this job is to go out and raise money. I hear everybody talking about that. None of us likes to go out and try to raise money.

The amount we have to raise, the time we have to spend to raise that money, and the fact that we have to think about every vote we cast, as to whether that PAC combine is going to look at those votes when they assess what their contribution is going to be—that is corrupting the system, and that is endangering the thing we hold so dear, the form of government and the democracy we have.

Mr. President, I think I have been singularly fortunate through a change of circumstances. It was not anything I planned to start with. As I said, the fact that I could not raise any money perhaps set me to think of a crazy idea that turned out to be a walk across the State, which everybody now thinks is a brilliant piece of strategy. At the time, even my friends thought it was crazy, but I did not know what was happening. Because of that, I got elected the first time, feeling that I did not owe anybody anything except those people I met along the road, the people I told I was going to be different. However, that influenced me to limit by contributions to $10 the next time and $100 the time after that.

Because of that, Mr. President, I think—no, I do not think, I know—I enjoyed a kind of relationship with the people of Florida in which they would forgive a vote I would cast with which they disagreed; and they would tell me they disagreed with it, because they never had a feeling that I had to cast one of those votes because of some contribution, because it was something that helped me be elected, or that I owed something to someone.

So I do enjoy a unique relationship, and it is one that I enjoy very much. It is interesting, because people say, "That is fine, and you can do it for a time." Each time I would run, people would say, "You can't do that again." This time when I intended to run, they said that. Again, I limited my contributions to $100, and I was raising more money than I had ever raised before. We were well on our schedule and raised well over a million dollars—$1.2 million. People who were first-time contributors were sending money to me because they said, "I feel that I could be the largest contributor, that you had limited your contributions, and I really could have a voice with you. That is something that influenced me to make a contribution to you."

For those reasons, Mr. President, I am very much on the side of a limitation that tends to limit the influence of large contributions and to put some kind of rein on the PAC's—as I say, running in packs—and in trying to give back to the American people the feeling that their Government has to be responsive to them and that they make a difference, that by their vote they participate in the electoral process.

There are two things you need. You need not only their vote, but also, you need them to participate in that process. That truly makes a difference. I think the time is very short. We are endangering the fabric that makes our system work, and I think we need to come to grips with that. I feel that the legislation we have before us is an attempt in that regard. For that reason, I certainly think we should try to get on with this legislation. If there are flaws let us find ways to amend it or find those flaws. Let us not kill this off or keep this from the light of day.

I think the people are demanding that we deal with the subject, and they are going to hold us accountable if we fail to do so. I hope they will.

For that reason, Mr. President, I certainly support the vote on cloture and the attempt to go in the direction of this legislation.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER (Mr. DIXON) The Senator from Maine.

Mr. MITCHELL. Mr. President, there are few public policy issues which have been debated as much as campaign finance reform. Certainly the legislation before us today has been thoroughly debated by this body. There were 14 days of debate last year. The Senate has voted seven times to cut off debate on this legislation which a clear majority of the Senate supports. Seven times the opponents of campaign finance reform have defeated the will of the majority.

The bill has undergone major modifications on the floor to respond to every argument opponents have raised about campaign finance reform. The time is now for the Senate to approve this legislation.

The method by which we finance campaigns for Federal office goes to the very essense of our governmental system. While the authority of our Government is based on the written Constitution, the legitimacy of Government powers depends ultimately on the continuing trust of the people. And if the American people do not have faith that their Government fairly represents them in the overall best interests of the Nation, the authority of the Government is undermined.

There is no more certain way for Government to lose the public confidence—and with it the substance of its authority—than for Government to appear to be beholden to narrow, special, and favored interests, separate from the common good.

Nowhere in Government do we risk eroding public faith and undermining public confidence more than through the manner in which we finance our election campaigns.

With each successive election cycle, the public and Members of Congress alike see a degeneration of the process. The system is out of control. The modern campaign for the Senate has in some cases become virtually a nonstop fundraising effort.

That spectacle erodes public faith, both in election campaigns as contests based on issues, and ultimately in the legislative product as well.

Each year, Senators must devote more and more time to financing campaigns for ourselves and our colleagues. The process is disliked by all participants: Members of Congress on whose time fundraising imposes enormous demands; voters who wonder whether their small contribution or volunteer effort or vote means anything at all; and even lobbyists themselves, who are forced to bid against each other in an ever-rising cycle of contributions.

Something must be done to reform the manner of raising funds and to control the costs of running for elective office. The legislation before us today offers a fair and effective solution which imposes no cost on the Treasury, gives no party an advantage over the other, and gives far greater opportunities for challengers to win elections.

The essential element of campaign finance reform is an overall limit on the amount of money which may be spent to run for elective office. Unfortunately, the Supreme Court decided in the case of Buckley versus Valeo that the Constitution does not permit Congress to impose mandatory spending limits on campaigns for Federal office.

I disagree with that decision. I believe it to be one of the most loosely-reasoned and poorly written opinions ever by any Supreme Court, but it is the law of the land and unless and until it is changed by proper constitutional procedures we must obey it. Therefore, such limits can be imposed only on a voluntary basis. That has left Congress with only one alternative—to provide public financing as an inducement for candidates to agree to overall spending limits.

Opponents of this legislation have decried the use of any Federal funds, no matter how minor, in the Senate election process. That argument ignores the substantial Federal moneys used in the Presidential election processed financed from the voluntary income tax checkoff. In my opinion, the nominal funds required to publicly finance Senate election campaigns would be well worth the cost if it re-

stores even a small measure of public confidence in our election system.

Nevertheless, in an attempt to meet every objection by opponents of this legislation the bill has been amended to remove all public financing from Senate election campaigns unless an opponent exceeds the spending limits in the law. Even this minimal cost would be fully financed, however, by repealing certain preferential mailing rates for political parties.

Opponents of this legislation have also raised the false argument that it is somehow designed to keep the Democratic Party a majority in the Senate. This argument evidently relates to claims that public financing of Senate campaigns protects incumbents. I hesitate to legitimize these assertions by even responding to them but they should not go unanswered.

Public financing of congressional campaigns enjoys widespread and bipartisan public support, and it has for years. Senate Democrats, including myself, have worked for years to put in place a system of public financing that would limit spending for Senate campaigns. We did this while we were the minority party in the Senate and we have continued now that we are the majority party.

Why? Because public financing is in the national interest. There are a number of Senators on the other side of the aisle who agree but they have been constrained by their leadership to stay away from this legislation, not because this bill would confer some special advantage to the Democratic Party but because it could limit an advantage the Republican Party now enjoys.

The assertion that public financing of Senate elections is somehow going to protect incumbents is always offered as a reason to oppose campaign finance reform. In theory that could be true if the limits on campaign spending are set so low that a challenger to an incumbent would not have the ability to get his or her name across. But that is not the case with this legislation. In many States the spending limits have been set so high that some observers have questioned whether the bill goes far enough to control costs. I for one would have liked to see more stringent spending limits but I recognize the importance of giving challengers sufficient funds to mount a challenge.

Under the current system, incumbents have an overwhelming advantage in raising campaign funds over their challengers. And I say that as an incumbent who is now engaged in that very process. Every political action committee can attest to that. They simply will not give contributions to challengers to run against an incumbent who votes almost every day on legislation affecting the interests of that political action committee.

The numbers, the evidence, bear this out. In the last Senate election in 1986, incumbents raised almost twice as much as challengers in total campaign receipts. Incumbents raised almost 2½ times as much from political action committees as did challengers. And, most of that PAC money was raised by candidates who are incumbent Members of the House of Representatives and thus more able to count on PAC's than challengers who are not in Congress.

Of the 68 candidates for the Senate in the last election, 42 were sitting Members of either the House or Senate; 39 of those 42 incumbents raised more contributions from PAC's than would be permitted under this legislation. In contrast, of the 26 challengers running for the Senate who were not then sitting Members of Congress, only 10 raised enough contributions from PAC's to be affected by the limits in this bill.

Those numbers bear repeating. This bill would have reduced the PAC contributions received by 93 percent of the incumbents running in the last election. However, it would have limited the PAC contributions of only 38 percent of the challengers.

How, then, can anyone seriously argue that the bill would help incumbents?

The same story can be told by comparing the spending limits in this bill to the actual amount spent in the 1986 Senate elections by incumbent Members of the House and Senate running for the Senate and their challengers. Of the 42 incumbents running for election to the Senate, 31 spent more than permitted by this legislation. In other words, 74 percent of the incumbents would have been limited by this bill. In contrast, only 6 of the 26 nonincumbent challengers—23 percent—would have been limited by the bill.

How, then, can anyone seriously argue that this bill would help incumbents?

The conclusion is inescapable if one looks at the evidence. The spending limits in this legislation will not protect incumbents. This legislation will restore a balance to the election process by imposing far tougher limits on the spending of incumbents than on the spending of challengers.

Opponents of campaign finance reform have proposed alternative legislation which they claim represents true reform. Those substitutes have been offered in order to give opponents what appears to be a positive alternative to campaign finance reform. One measure proposed by the Senators from Kentucky and Oregon purports to solve problems with the current system while in fact it would further liberalize current restrictions, create new loopholes, and lead to increased spending.

Two provisions are essential to any meaningful campaign finance reform: limits on the overall amount of spending in campaigns, and limits on contributions that can be received from political action committees. S. 2 would do both. The substitute offered by the Senators from Kentucky and Oregon would do neither.

The substitute purports to eliminate PAC contributions to candidates while requiring the full disclosure of soft money contributions. Neither claim is accurate and I just want to spend a moment to discuss these two issues.

The substitute would eliminate only direct contriubtions by PAC's to candidates. It would make lawful the bundling loophole that is increasingly being used to evade the present limits on PAC contributions. This loophole occurs when PAC's or other intermediaries collect checks from their members made payable to a particular candidate. The checks are then "bundled" and forwarded on to a candidate. Current law does not count the "bundled" contributions against the $5,000 contribution limit of the PAC.

If "bundling" is used today by candidates to evade the $5,000 per election contribution limit on PAC's in current law, it would be used to an even greater degree to evade the purported contribution ban in the McConnell-Packwood proposal. PACs would change their method of making contributions to candidates but would not reduce their giving. The McConnell-Packwood PAC restriction is made meaningless by the "bundling" loophole.

In contrast, S. 2 would close the bundling loophole by counting "bundled" contributions against the limit of the individual or committee serving as the intermediary which forwards the contributions to the candidate. McConnell-Packwood purports to close this loophole but in fact it would legitimize the practice by requiring only that the "bundled" checks be made out directly to a payee.

If the substitute had any teeth—if it would actually result in the elimination of all PAC contributions to candidates—I believe it goes overboard. S. 2 does not eliminate PAC's. It doesn't suggest that PAC's are not a legitimate part of the campaign finance process—only that there should be limits on such contributions. A balance is struck. S. 2 limits campaign spending and provides for public financing but the role of individual and PAC contributions is preserved.

There has been considerable discussion on this floor about the evils of soft money. To hear the Senators from Oregon and Kentucky speak, one would think they have proposed tough new restrictions on soft money which represent significant reform. In fact, they are proposing the exact opposite.

"Soft money" is money donated by individuals, PAC's, corporations, and labor organizations to State and national party committees which is used for certain exempt Federal election activities or non-Federal election activities. Such money is exempt from the contribution and expenditure limitations and restrictions of the present campaign finance laws.

The substitute to S. 2 purports to reform this area by requiring that all "soft money" contributions be reported to the FEC. In fact, it would open up major new loopholes for the national party committees by exempting from the law's restrictions their administrative-solicitation costs and by extending the present volunteer activity exemptions to the national party committees.

The McConnell-Packwood proposal would require that such contributions be disclosed. That is appropriate; S. 2 would do the same and, in fact, go much further by requiring such disclosure for all party committees including those at the state, local and national level. The McConnell-Packwood proposal would only require, however, that "soft money" contributions to the national party committees be disclosed. This is artfully designed to minimize the impact of the proposal because the bulk of such contributions would begin flowing to the state party committee level. Thus, under the substitute, most "soft money" would continue to not be disclosed.

Another part of their proposal would open up a major new loophole by permitting "soft money" to fund the administrative and solicitation costs of political parties. In other words, for the first time a national political party, or a state or local committee of the party, could accept unlimited contributions from any corporate, labor or individual source to fund its general operations.

This would severely undermine the current contribution limits for individuals and PAC's, the flat ban on corporate funds in Federal campaigns that has existed since 1907, and a similar flat ban on labor union funds that dates back to 1947. These bans were enacted to reduce the potential for corruption posed by the direct use of corporate or labor union funds in Federal elections.

This proposal represents an unprecedented invitation to corporate and union support for party organizations, and it will further contribute to an accelerated level of spending through national party organizations for Federal election purposes. The disclosure requirement will not sanitize this major new loophole.

The substitute from the Senators from Kentucky and Oregon is a ploy to create the appearance that a vote for their proposal is a vote to clean up the campaign finance mess.

For the last several months there has been considerable debate about the merits of the proposal reported out of the Senate Rules Committee. The modified bill now before this body is an attempt to respond to all of those arguments. In my judgment, S. 2 is a good bill that will restore confidence in our election system by removing the taint of undue influence.

It is a carefully constructed proposal that represents many months of hard work to produce a balanced bill which is neutral both as to political party and incumbency.

Campaign finance reform enjoys widespread and bipartisan public support, and it has for years. Yet, there has been what we call around here extended debate on this bill. That is, an attempt keep talking to prevent enactment of campaign finance reform even though a majority support its enactment.

Why? Not because the Members of this body are not in agreement that the current system is out of control and badly in need of change. But because each of us perceives this issue through the prism of our personal interest or what we believe to be the interest of the political party of which we are members. Because the stakes are so great, there is a fear of change.

But this issue demands more. We must put aside our self-interest and act for the common good. We have an opportunity in this 100th Congress to restore public confidence in the election process. We must not again let that opportunity pass.

I conclude by saying, 10 years ago Democrats failed. They made a serious error. Because Democrats were in what they perceived to be a position of comparative advantage, controlling the Presidency, the Senate, and the House, they failed to confront this issue as it should have been.

And in what I believe to be one of the great ironies of history, Republicans in the Senate are now making the same mistake that Democrats made a decade ago. Because they perceive themselves to be in a position of comparative advantage in fundraising, they do not want a change. The reality is that mistake came back to haunt the Democrats and this mistake will come back to haunt the Republicans.

I believe and I hope that our mistake will not be repeated by our colleagues and friends and that we place the national interests above the political interests that we perceive at the time. If we do that, almost invariably the political interests are better served.

Mr. President, I yield the floor.

Mr. McCONNELL. Mr. President, will the Senator from Maine stay on the floor for just a few moments? I would like to make a couple of observations if he has a minute.

Mr. MITCHELL. I have a 3:30 meeting with a group of my constituents, but I will be very happy to listen to the Senator's observations for a few minutes.

Mr. McCONNELL. I was not going to enter into a lengthy colloquy.

I look forward to serving on the committee of eight with my friend from Maine. I think the establishment of the committee of eight is a first indication since last spring that we are truly interested in passing a bipartisan campaign finance bill.

I would just like to say that I would differ, as you know, as to what the mistake was that was made 10 years ago. I think the mistake was the Presidential system that we constructed. I just finished making what probably was too lengthy of a speech on the failing of that system under which $1 out of every $4 is spent on lawyers and accountants and under which candidates of all parties have broken out of the spending limits over the last elections that have been under that system under which it has been rampant to cheating and disrespect for the law on all sides.

I hope as we sit down we will not consider that necessarily progress because it clearly, in many respects, has not been, and try to work out something that we think will be a true improvement on the current campaign finance system.

As you know, I think we could do something about PAC's. I think we could do something about the cost of television. I think we ought to do something truly significant about the millionaire problem. More and more people are going out and buying public office.

I have a proposal which I have not introduced that you might be interested in. As you know, you cannot solve the problem entirely because of the Supreme Court decision. But I am going to have a bill that essentially would not allow anyone who puts up either his own money or borrows the money to get it back. In other words, he could not go down and shake down every special interest in town to try to get his money back. Maybe it would not keep the big millionaires out of the process, but the little millionaire might decide if there is no prospects for recovery it might not be a good idea.

So there are a number of things I hope our group of eight will take a look at and improve the system and maybe it will sail through here 90 to 10.

Mr. MITCHELL. If I may respond to my colleague, I have had the pleasure of discussing this issue with the distinguished Senator from Kentucky on the Senate floor, off of the Senate floor, in other public forums, and in private meetings. I know that he is

without a doubt one of the most knowledgeable Members of the Senate on this entire subject and is a very articulate exponent of the point of view which he holds.

We do disagree on several things, but I have the greatest respect for the Senator.

I want to say that I do look forward to serving on that committee of eight and share your hope that we can develop something that improves the process.

I have neither the time nor the ability at this moment to debate the Presidential election process, but I would leave you with this thought: I do not for a moment dispute the assertions you have made regarding the problems that arise.

But in assessing those, remember, let us compare it to what would be the case had there not been a law based upon the experience that we had in the early 1970's which led to the creation of the law. It is surely an imperfect process and there are surely abuses and a need for changing the law to correct those abuses. But I think that sets an example of how overall the process can be improved. I hope we draw from that and I look forward very much to working with the Senator.

I thank the Senator.

Mr. McCONNELL. Mr. President, there have been a number of speakers on the other side on this issue. I see that we now have some here on our side. I would like to yield to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. SANFORD. Mr. President, I wanted to make a few comments about S. 2, and to raise some additional questions. I hope that we can, in this body, come to an agreement within fairly short order to get on with considering it on its merits and that we will not go through the process of a long filibuster, which strikes me as a useful device and one that I would not want to see us abandon, but we went through this last year with what might be called a gentleman's filibuster. In the process I think we have demonstrated to the public that we do not much care about all of the ills, of the abuses of campaign financing. Well, we do care and I think we care on both sides.

I think the American public cares. I think the very fact that this particular piece of legislation has had such widespread support—I do not want anybody to be frightened because I am not going to propose putting this in the RECORD. It may almost all be there anyhow. But I was impressed just a few minutes ago when this was delivered to my office. It is a reprint of editorials in support of S. 2, in support of limitations on campaign expenditures. We have here 513 editorials in 280 newspapers in support of S. 2, meaning that most of these newspapers have written at least two editorials on the question.

So there is such widespread support that I certainly hope now we can bring this to a head; we can vote on it; and that we will not put this Senate in the position of dilly-dallying and delaying and wasting our own time and wasting the taxpayers' time and talking endlessly to delay something when we could get on and decide it. I do not think it gives the right kind of impression, one that I would like to see the public have. And this is not something that goes unnoticed.

These editorials, it seems to me, speak to the point. This is really just a very simple issue. It is a question of shall we stop the rapid climb of compaign expenditures? I have heard people here say when I first ran I spent $1 million. That was a lot of money. Now you have to start talking about $5 and $6 million to mount a compaign almost anywhere.

I remember in the great old days when I managed the senatorial—successful I might say—senatorial campaign for Kerr Scott from North Carolina, in 1954. In 1954 we spent $60,000. We have one television show in that $60,000, and that was a hard sum of money to get up. Today it would have to be $6 million. It has just reached the limits that are absolutely outrageous, disgraceful; they are a reflection, in my opinion, on democratic government.

I think it does, indeed, destroy the faith of the voters. The very idea that it takes so much money that you buy elections; and people begin to get disillusioned with the democratic process. Why can we not just look at people, listen to them, vote for them; why does money have to be such an overwhelming influence?

I think right now it is a disgraceful commentary on the process that after the vote in New Hampshire people are saying, pundits, so-called, are saying: Well, so and so cannot make it any further. He has not got any money. Or so and so is out of it because he did not do very well here and he might do well somewhere down the road, but he does not have enough money to hang on.

Too long, money is being equated with winning in the democratic process and that is simply not good for the kind of faith that we ought to be developing in the democratic process.

So I hope that we can all agree that it is a fairly simple proposition that it ought to be limited.

Now, where the limit is we can debate, but it ought to be limited, the expense of running for public office and, in this case, the expenses of running for the U.S. Senate.

I do not think that a great deal is to be gained by reflecting on the arguments of others, but I think we have been subjected to a fair degree of smokescreening here. I think, first of all, we went through a long period where people stood up on the other side and decried the use of tax money for our elections; kind of a cute slogan: The taxpayers do not want to pay for our campaigns. Well, of course, the taxpayers do not want to pay for our campaigns and that bill did not specifically provide that taxpayers would pay for our campaigns, but nevertheless that argument was rolled over and over and over.

It may very well be that the taxpayers, if they were asked, do not want to pay for Senator DOLE's campaign or the other Presidential campaigns or the contributions they make. But whether they want to or not, it is good public policy.

We have decided that it is good public policy and public funds are, indeed, being used to finance the Presidential elections. Granted, that is not necessarily a parallel situation to the U.S. Senate. I do not propose, nor does this bill propose, that we finance it in the same day.

But it does propose that we do it in a constitutional way. Everybody understands that it is not a question of using public money in order to reduce the burden of raising money by individual senatorial candidates.

It is the case of using enough public money to get past the constitutional test because we cannot just limit expenditures; we have to have some kind of incentive to limit expenditures. The only incentive so far that has come up has been some kind of use of some public money.

I have a better way of doing it without any money.

But the fact of it is it is not a question of tax money or no tax money. It is a question of limiting expenditures and doing it in a way that is constitutional. If it is going to be constitutional, as it has been seen so far, then it has to be done with some expenditure of public money or, as the bill now suggests, the threat of the use of public money.

So if nobody violates this, there will not be a necessity for spending any public money. It simply says here is the limit. We will stay within the limit. If anybody gets out of the limit, then we will use some of this checkoff money to make the playing field level again; to give the candidate against whom overexpenditures were spent an equal amount. That ought to keep it down.

The truth of the matter is that if candidates who are running for this great body observe the law, observe the rules, then it will not be necessary to spend any public money.

It has also occurred to me that if we can get an agreement that there ought to be an agreement on expenditures,

there are several other ways to do it. What bothers me is that the Republican group that is opposing this, and not all Republicans by any means, but primarily the opposition that is there, have said over and over again that they do not want any limitation on expenditures for campaigning for the U.S. Senate.

I must say that I was considerably surprised by that admission. I thought that was what they really believed all along. I thought that they believed that you could win campaigns if you had enough money and if they can get more money than the Democrats, they could win more elections and in that way they could continue to dominate in the Senate. Probably a good many people listening to this would think that the Republicans did not say that, but the Republican leader, Mr. DOLE, said on June 16, 1987, on this floor:

> I would also say as a Republican we are trying to build our party in certain parts of the country and putting on campaign expenditure limits is, in effect, putting a brake on our growth. I would like to say we want to be the majority party. If we start accepting expenditure limitations, we cannot keep on winning elections.

Well, I do not know that money is going to win elections. It is going to corrupt the process, but I doubt if it is going to win elections.

Of the new Democratic Senators arriving in this body, arriving for the 100th session, every single one was outspent by the Republican opponent. So money did not win that election, but they spent too much money. Democrats spent too much money. Far too much money was spent collectively to the point that I think was truly a national disgrace.

What we want to get settled, what I would like to see the Republican opponents to this bill agree to, is some limitation, that they cannot go on year after year building up higher and higher costs in order to run for public office.

I do not think it is corrupting, not yet, but it will reach the point when it is corrupting. It certainly right now is disconcerting. It certainly is diverting the attention of Members of this body who must go out and spend so much time raising money. I think there has to be a limit, and I think probably, looking at it in my own State, the limitation is about what it ought to be. You can hardly use any more money than that in presenting a reasonable television series or television program. In any event, we have to first agree on the basic proposition that expenditures ought to be limited.

Mr. McCONNELL. Will the Senator yield for a question?

Mr. SANFORD. Yes.

Mr. McCONNELL. I gather the crux of the remarks of the Senator from North Carolina is that he applauds and approves the Presidential system that we implemented in 1976, which encompasses, as we all know, a combination of public financing.

Mr. SANFORD. I would have done it differently. I think it has a lot of flaws. But I think the idea of providing some of those funds is a good public policy. I was not really prepared to debate that. I simply wanted to mention that we do have that precedent. It does not necessarily follow that it is tax appropriated money.

Mr. McCONNELL. I am not speaking so much about public money, but I was curious when the Senator from North Carolina was explaining that law that defined spending as limited spending.

Mr. SANFORD. I have written a book about the Presidential process. I think it is one of the worst processes we have in the country. That is all tied up in it. I think spending as much money as was spent in Iowa, the unbelievable amounts spent to date in the Presidential primary elections, is outrageous. That is one small part of a bad problem.

No, you did not understand me to defend any part of that system, including the financing.

If we are talking about financing the general election, I think that is much easier to justify.

Mr. McCONNELL. I think my observation would be to request the Senator to explain how the spending limits would be complied with. As the Senator knows, almost every candidate has violated those limits, almost State by State; $1 out of over $4 goes to accountants and lawyers seeking to comply with the impossible. I wonder if the Senator is leading up to the argument that we need a similar system of limits for congressional races so we can spend a lot more money.

Mr. SANFORD. We have another piece of legislation here that several of us have signed that relates to that problem. We would speed up the enforcement process of the Federal Election Commission so that you could immediately question an opponent who violated the law. Right now, as the Senator knows, I do not doubt for a second there have been violations, but this election will be long gone and past by the time the FEC ever gets around to looking at it.

If we have a process that can enforce the law, then I think it would work. But right now the big problem is that you can violate it and know that the election will be gone and you will have won and if a little bit of cheating helped you win, it was worth it. So by the time they catch you, it will not make any difference because you will be in there and they cannot do anything to you.

Mr. McCONNELL. What kind of penalty would the Senator refer to?

Mr. SANFORD. I will give you a copy of the legislation that Senator REID and others have put in. It is a fairly detailed thing.

Mr. McCONNELL. What kind of penalty in the Senator's judgment would make a candidate comply with spending limits? We have had no compliance with the Presidential system, let us say. Would we take the office away from them if they go a dollar over the limit? What kind of penalty would there be if they exceed expenditures?

Mr. SANFORD. I think now the limitation is at the most $10,000, or the amount that was expended, and this goes to the Treasury. This piece of legislation would make it a very severe financial fine. It might run up to a quarter of a million dollars. It will be a multiple of the amount that was illegally spent, and the opponent could bring an action. And under this legislation the procedures would be such that the FEC would have to take notice of it immediately. That is simply irrelevant to this.

Mr. McCONNELL. I do not want to dominate the Senator's time but I want to make sure I understood the Senator is arguing that it is possible to have a spending limit system that, in his judgment, will work.

Mr. SANFORD. Oh, yes, I think we can. I think if we took a position that we could not pass a law that could not be enforced, we ought to go home. Everyday we pass laws. Certainly they are not always all going to be enforced, but men and women of goodwill will make it self-enforcing. But by the same token, they will not all be of goodwill, and I do not doubt for a minute that we can build in the teeth. I think we have to.

I thank the Senator.

Mr. McCONNELL. I say to the Senator my suspicion is it will largely be like prohibition, just as the Presidential system has been.

Mr. SANFORD. I think we can enforce the Presidential system and I think it is outrageous that the FEC does not enforce it.

Well, this sort of illustrates the point I wanted to make, if my distinguished colleague from Kentucky will yield, and that is we get off on too many rabbit paths here and do not stick to the main point: Do we want to find a way to put a reasonable lid on campaign expenditures for the Senate?

Today I heard the Senator talk very eloquently about a great number of things, and I sat here and thought, well, now, they are not quite on point. We are talking about Presidential races We are talking about Stewart Mott. We are talking about PAC contributions. The Senator did not mention NCPAC, but he might well have mentioned that. I think the expenditures of third parties is something that needs somehow to be dealt with,

and some effort is made here, but that is a side issue. I will be glad to yield for a question.

Mr. McCONNELL. On the question of PAC contributions, I introduced a bill last year that would eliminate PAC contributions altogether, and I would be happy to add the Senator from North Carolina as a cosponsor of that bill. I would be happy to see the PAC contributions eliminated altogether. But most people in the land, when they talk campaign finance reform, are not talking about spending limits; they are talking about PAC's.

Mr. SANFORD. As the Senator knows, S. 2 treats that and drastically cuts the amount that can be given.

Mr. McCONNELL. It has an aggregate limit on PAC contributions. But if we are saying that PAC contributions are somehow undersirable, why not just eliminate them altogether?

Mr. SANFORD. I did not say they were undesirable. I do not think they are undesirable. I think that they have been used in a way that they have become somewhat undesirable. I do not think it was anticipated—as a matter of fact, PAC's were enacted as a piece of reform legislation, to limit that kind of giving and to permit various people to accumulate their money in smaller amounts to make contributions. The trouble is that then we got into a pack of PAC's.

My opponent, for example, was a splendid representative and he had served well an important element of the economy and brought it to North Carolina, and that is the electrical generating business. Now, if he had received $1,000 from each of the two companies in North Carolina, from their PAC's, that would have been a good and proper use of PAC's. That is about what he would have had to have limited it to given the others available and given the limitation that would have been put on North Carolina, which would probably be somewhere around $225,000 or $250,000.

What happened, quite properly, quite legally, and without any complaint from me, some $85,000 came in from the electric power companies, the pack of PAC's from all over the country. I think that is a bad turn of events. I would be perfectly willing to do away with all of them. But I think if we put a ceiling on it, we are still going to permit the good aspects of PAC's, letting people accumulate their money and then giving it as an organization, and that is not bad. But I think the unlimited use of PAC's is very, very bad and it has led to all kinds of abuses. I agree with the Senator.

Mr. McCONNELL. I might say to my friend from North Carolina, there are three things essentially that have driven the cost of campaigns over the years, and by the way, the cost of campaigns is not rising like it was for a while.

One of them is the growing influence of PAC contributions, one of them is the cost of television, and one of them is people with a lot of money putting their own money into races.

I am wondering how the Senator from North Carolina would feel about a measure that I intend to introduce shortly which would say this to the person who exploits the millionaire's loophole, that is, the person who says I am going to take advantage of Buckley versus Valeo and I am going to put everything I want to of my own resources into a campaign. I have got a bill that I am introducing which says you can do that because the Constitution and Supreme Court say you can, but you cannot pay yourself back. You cannot ante up all this money in advance and then go around after the election and repay yourself by requesting the money from individuals or PAC's.

How would my friend from North Carolina feel about a measure like that?

Mr. SANFORD. I will go along with that if the Senator will go along with limiting overall expenditures.

Mr. McCONNELL. Of course, the Senator knows there is no way that we would go along with that because it will not work. As a matter of fact, what you have had with the only system of spending limits available in the country today is no limit on spending. Soft money has gone wild. Exploratory committees have gone wild.

Mr. SANFORD. PAC committees have gone wild.

Mr. McCONNELL. People have encroached the limits.

Mr. SANFORD. We must regulate the limits.

The PRESIDING OFFICER. I wonder if the Senators would be kind enough in their attempt to settle the whole dispute here and find a bill we can all agree upon to decide who has the floor.

Mr. McCONNELL. The Senator from North Carolina has the floor.

Mr. SANFORD. I have the floor.

The PRESIDING OFFICER. Does the Senator from Kentucky have another question?

Mr. McCONNELL. The Senator from North Carolina has the floor. There is no question about that.

The PRESIDING OFFICER. Does the Senator from North Carolina yield?

Mr. McCONNELL. I would be happy to talk but I would be happy to shut up if he does not.

Mr. SANFORD. Please, ask the question.

Mr. McCONNELL. My observation was that——

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. SANFORD. The Senator from North Carolina has the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky to ask the Senator from North Carolina a question, may I say to the Senator from North Carolina.

Mr. McCONNELL. The point I want to make is that I am trying to understand that the Senator from North Carolina did feel the system of spending limits can work, and my reaction to the Senator's observation that it can work is that the only experience we have had with such a system in this country has been an abysmal failure and that has been the Presidential system. I just wonder how in the world we can expect that it will work.

Mr. SANFORD. I think that is a good point and I think it has an adequate answer. I think the answer is that the FEC has not enforced that law and I think when we pass S. 2, we have to pass adequate machinery, adequate teeth for the FEC, to insist that they enforce the law.

Mr. McCONNELL. Some have argued that the law is so unrealistic that no one is complying with it, similar to the prohibition analogy that I used, and therefore for the FEC to truly comply with it, they would eliminate almost every one.

Mr. SANFORD. I cannot really argue anything except that no law is going to work automatically, that this is a terrible abuse, it is getting worse year after year, and we ought to be trying to do something about it.

Now, I do not think that this is going to solve all of the problems. I do not think it is going to take care of—well, let us just take a favorite organization of the Senator's and mine, the National Rifle Association. They come in and spend wads of money and they have no accountability for it. That is just one example. The national realtors organization this time came into North Carolina, and I am sure other places, and spent a quarter of a million dollars on my opponent. It was not very well spent. It did not do much good. But they were not accountable for it. Now, I would like to see those limited.

Mr. McCONNELL. I say to my friend from North Carolina I could not agree more. As the Senator knows, there is, however, a constitutional problem with that.

Mr. SANFORD. Correct.

Mr. McCONNELL. We cannot by statute cure a constitutional problem.

Mr. SANFORD. So we ought to try to do what we can do by statute and we ought to get the Senators put in a position where they do not have to knock themselves out raising money, where they can stay here and help get on with the business; they do not have to run off to a fundraiser every weekend. I think it is demeaning. I think it is disgraceful. I think it is a sorry commentary on the democratic system.

Now we cannot cure everything all at once but I do think we can take new steps which would put the Senators themselves and the candidates for the Senate in a better more decent position simply by saying you cannot. We cannot judge what third parties do. We cannot totally control that. But we can control what the Senator and I do, and he and I could enter a personal agreement if we were running against each other that we would not spend but $3 million. And we would lie up to it. I think we can do that and get that part of the problem solved. That is what S. 2 proposes to do.

Mr. McCONNELL. The observation the Senator just made about the time spent on fundraising, of course, has been solved now by the majority leader without changing the law. He has simply constructed a system of operation in the Senate under which we are in the Senate 3 weeks, and we are off 1 week to do what we choose to do during that week. I would think it would no longer be a legitimate excuse for any Senator to go to the majority leader and say, "Please let me out of here by 6 o'clock tonight because I have a fundraiser." There is time to do that now.

Mr. SANFORD. I think it is outrageous that the Senator and I have to go home and raise money or go off to Texas to raise money, or New York. We ought to be there talking to constituents about rural development. We ought to be talking to constituents about the price of corn. We ought to be down there talking to people and carrying on our business and not out all over the world raising money.

Mr. McCONNELL. I could not agree more. Of course nobody is making us do that. Senators do that at their own risk because their opponent can make an issue out of it next time if they choose to.

Mr. SANFORD. Nobody makes us do that except our opponent.

Mr. McCONNELL. No. Absolutely not. There are a number of Senators in this body as, the Senator knows, who choose as a matter of strategy not to raise money. That is their option.

Mr. SANFORD. Three, I think.

Mr. McCONNELL. Well, a number.

Mr. SANFORD. Well, I thought about that and the Senator from Kentucky has probably thought about making a $10 limitation on the contribution.

Mr. McCONNELL. Then we would have to spend a lot of time on fundraising.

Mr. SANFORD. I believe I would rather go ahead and work in the tortured system than take that chance. But I had to raise money because my opponent was raising money. I said publicly two or three times early in the game—and maybe he did not know whether I could raise as much money as he. I said "Let's put about a $2 million cap on what we will spend on television. That is one thing we could monitor." I do not think he said anything. But, he did not limit it. We had to keep on raising money.

I just think it tends to corrupt the system. This is one piece of it we can get a hand on it, and now is the time to put a hand on it. Then we will pay attention to these other things which are quite legitimate concerns that the Senator and I have. But right now we have something before us that is going to be a start on a good path to the reform of the kind of abuse that we have all talked about.

I would be glad to yield for another question. Or I will be glad to proceed with the main body of my speech.

Well, the main body of my speech is about completed.

I think we are down to just one simple issue. That is whether or not we are going to vote, as Mr. DOLE has suggested, to put no limit on it because the Republican Party, in order to become as strong as they want to be, has to have money to win elections.

I made a little speech over here last spring or last summer in which I pointed out that is not even a good strategy for the Republican Party. I am not here to advise the Republican Party. But that is not a good strategy for the Republican Party; that the Republican Party ought to try to win elections like the Democratic Party wins elections. That is by talking to the people about their needs, their hopes, and their aspirations. That is the best way to win elections. We would welcome that kind of competition from the Republican Party.

Mr. President, I certainly hope that this body—which now has focused on an issue that is extremely important to people all over this country—however we vote on it, we can get on with the business of voting, that we can demonstrate to the people of America that when there is a job to be done, and an issue to be decided we can bring it up, debate it fairly, decide it, and that we are not going to delay the public's business by a long drawn out filibuster. I hope we can do better than that.

I thank the Chair.

Mr. McCONNELL. Mr. President, the Senator from Pennsylvania wished the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KERRY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

Mr. President, I continue to oppose S. 2 because it includes substantial public financing and excludes important reforms on counting soft financial contributions. Now that S. 2 is on the Senate's agenda for the first time in the 2d session of the 100th Congress, I believe it is worthwhile to comment again on this bill.

When I voted against the first motion to limit debate in the 1st session of the 100th Congress on June 9, 1987—CONGRESSIONAL RECORD S7863—I stated that:

> I believe that further debate is necessary with the attendant opportunity, once cloture is defeated, to work out a compromise on reforming campaign financing.

I am glad to see that eight Senators have recently been appointed by the Democratic and Republican leadership to try to arrive at such a compromise.

In opposing cloture back on June 9, 1987, I stated:

> I am convinced that reform of the current system on campaign financing is necessary to address a variety of issues:
>
> First, elimination of the perception of improper influence of campaign contributions with special concern for political action committees;
>
> Second, limitation on total expenditures;
>
> Third, public policy considerations on public spending; and
>
> Fourth, use of the time/energy of Senate and House Members to raise money.

At that time I said, and today reiterate, that I support legislation which would totally eliminate PAC contributions. While I do not believe that political action committees improperly influence Members of Congress, I do believe that there is sufficient public concern about the appearance of influence so that PAC's should be totally eliminated.

Again, as I said on June 9 and reiterate today, I favor a constitutional amendment to limit the amount of money an individual may spend on his/her campaign. The only way to limit total campaign expenditures, in light of the decision by the Supreme Court of the United States in Buckley versus Valeo, is to amend the Constitution to review that decision. Earlier in the 100th Congress, in my capacity as ranking Republican on the Constitution Subcommittee of the Judiciary Committee, I met with Senator CRANSTON, assistant majority leader, and Senator SIMON, chairman of that subcommittee, and agreed to cooperate on prompt subcommittee action on a constitutional amendment.

As to the time/energy which fundraising takes from a Member of the Senate or House, my own experience is that appropriate fundraising can be accomplished with ample time to do the work of the Senate both in Washington, DC, and in my home State of Pennsylvania. However, to the extent that fundraising can be curtailed, it would be desirable.

As a matter of public policy, I continue to believe that public financing of Senate and House campaigns is unwise at this time because of the national debt and deficit. Our national debt approximates $2,500 billion and the deficit for fiscal year 1988 is currently projected in excess of $150 billion.

In its original form, S. 2 would have provided up to $5 million in public funds for in a U.S. Senate campaign in Pennsylvania, and up to $135 million nationwide, every 2 years, for Senate elections. While S. 2 does not include public financing of House campaigns, applying the same sort of rules to House elections could be expected to raise the total figure to $310 million. The current version of S. 2 would permit up to $2,875,000 in public funds to be spent in a Senate race in Pennsylvania, and up to $50 million nationwide. If it include House elections, up to $115 million in public funds could be expended every 2 years.

I believe it is unwise to embark on an expensive new program to provide for public financing of congressional elections at a time when there is inadequate Federal funding for important programs including, but not limited to, eduation, housing, job training, community development block grants, urban development action grants and farm programs.

I also oppose S. 2 because I believe that real campaign finance reform must include soft contributions where organizations or individuals provide personnel and other campaign services. Those contributions do not count in the current limitations on campaign financing, and any reform legislation, to be fair, should include such contributions.

Beyond expressing my views on S. 2, I believe it is worthwhile to comment on the recent advertising campaign conducted by Common Cause against a number of Senators, including myself. According to a report in the February 23 edition of the Allentown, PA, Morning Call, Common Cause ran full page advertisements on February 11, 1988, in 18 Pennsylvnaia, Delaware, Maine, and South Dakota newspapers. Full page advertisements directed against me personally were published in Pennsylvania in the Erie Times, Harrisburg Patriot, Pittsburgh Press, and Scranton Times, in alphabetical order.

I was surprised by these full page ads which were misleading and published without prior notice. I have always been available to Common Cause, had met on prior occasions with its chairman, Mr. Archibald Cox, and had written to its president, Mr. Fred Wertheimer, on February 5, 1988, restating my position that I continued to support campaign reform finance legislation which would totally eliminate PAC contributions and change the law on the amount an individual could spend of his/her money and to provide for limits on overall campaign spending. The advertisement was misleading in implying that I had not fulfilled commitments concerning PAC contributions, limiting the use of a candidate's personal wealth, and overall campaign spending limits.

The 1986 Common Cause questionnaire had two questions:

1. Do you support or oppose legislation establishing an overall limit on the total amount of PAC contributions an individual candidate for the U.S. House or Senate could accept?

Support X Oppose ___.

As noted, my position goes beyond "an overall limit" in agreeing to eliminating PAC contributions totally.

The second question was:

2. Do you support or oppose legislation to establish a campaign finance system for Congressional elections that would provide an overall campaign spending limit and a limit on the use of a candidate's personal wealth, along with partial public funding?

Support X Oppose ___.

As noted, my position would limit the use of a candidate's personal wealth as the constitutional basis for providing overall campaign spending limits. While I did indicate support—in response to a compound question that lumped together several very different ideas—for "partial public funding," I do not believe public funding is appropriate in the context that the targets in the 1985 deficit reduction law were not met in 1987 and the deficit has continued to rise at the expense of other important social programs.

Accordingly, I would respectfully suggest that Common Cause reconsider its position on public funding in light of the current budget constraints. Common Cause's objectives can be obtained without public funding even though it may take longer through the process of constitutional amendment. The amendment process need not take unduly long given the substantial public interest in this important subject.

In addition to urging Common Cause to reconsider its position on public funding, I would also suggest, respectfully again, that Common Cause reconsider its tactics of targeting Senators for full page advertisements. In raising this issue, I realize the high public regard for Common Cause. I share that high regard. As noted above, I have welcomed meetings with Common Cause, I have spoken at its membership meetings and have been in agreement, much more often than not, with Common Cause's positions.

So I add these comments on Common Cause's full-page tactics with reservations, but do so because of the importance, as I see it, of undue influence or unfair pressure on public officials whether by PAC's, special interest groups, genuine public interest groups like Common Cause or anyone else. Recognizing that any individual or organization has the absolute right to speak out and that robust advocacy is the essence of our system, I question Common Cause's approach in singling out Senators because they have supported reforms in the past. As reported in the February 12, 1988 edition of the Allentown Morning Call:

Randy Huwa, a Common Cause vice president, said the four Senators were singled out because they have supported reforms in the past. "They are among the Senators who we think we have the best chance with on this issue." Huwa said.

That selection system hardly encourages Senators' interest in reform.

Respecting Common Cause's right to publish its full page advertisements, a further question may be raised about the propriety or basic fairness of that pressure, especially in the context of its putative effort to eliminate undue influence and pressure on officeholders. Common Cause decries the pressure/influence of PAC contributions. The maximum PAC contribution of $10,000—primary: $5,000; general: $5,000—constituted less than .0014 of my campaign costs in 1986.

Contrast that with Common Cause's expenditure of more than $20,000 for full page ads in Pennsylvania newspapers alone and Common Cause's obvious effort to exert sufficient pressure to change Senators' specific votes.

I realize the difference in seeking to arouse public sentiment which may, in turn, seek to influence Senators, but I question the propriety of that procedure.

Mr. President, my vote is not determinable—for sale to PAC's or others—at any price. Similarly, my vote is not determinable—by Common Cause or others—by any amount of pressure. My constituents have the right to expect, and in any event have gotten and will continue to get, my best judgment regardless of contributions or pressure.

Discussion and compromise, rather than purchase or pressure, will lead to appropriate reform of campaign financing. The rules of the U.S. Senate on cloture were established to allow 41 objecting Senators to keep debating in order to obtain compromise on issues they consider to be of sufficient importance.

The principle of 41 objecting Senators has been established in this Chamber, this Congress, and this country for good and sufficient reason on many, many subjects of great importance. The Senators who are exercising that right, I submit, do so out of conviction and real purpose on this important public question.

As I said on the first cloture vote in the First Session of the 100th Congress, a compromise on reforming campaign financing can be worked out

once it becomes clear that cloture is and will continue to be defeated.

It has been so far and I believe it will be on any subsequent cloture vote. The recent appointment by the Democratic and Republican leadership of eight Senators to try to work out such a compromise offers, in my judgment, the best prospect for meaningful campaign finance reform. I urge them to proceed with their work with all due diligence which I know they will undertake and I think they will be successful.

Mr. President, at this time I ask unanimous consent that the text of my letter of February 5, 1988, to the President of Common Cause; the full text of the Common Cause full page advertisement of February 11, 1988; and my letter to the President of Common Cause dated October 3, 1986, be printed in the RECORD. I ask unanimous consent because of the advantage of having them so printed without my reading them at this time on the Senate floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 5, 1988.

Mr. FRED WERTHEIMER,
President, Common Cause,
2030 M Street, NW., Washington, DC.

DEAR MR. WERTHEIMER: Earlier in the 100th Congress, as you know, representatives of Common Cause, and I met to discuss the subject of campaign finance reform; and I believe it would be useful to give you my thinking on the subject at this time as we begin the new session and Senator Byrd has made Senate Bill 2 the pending business on February 16, 1988.

I continue to support changes in PAC contributions for Congressional candidates as I said in my letter to you dated October 3, 1986; and I am prepared to vote to eliminate PAC contributions completely. Similarly, I believe that there should be a limit on a candidate's use of his or her own finances even though that may require a constitutional amendment.

On the subject of public financing, I do not think it is wise to make such additional federal expenditures in light of the budget constraints and the sharp spending limitations which are likely to be imposed on very important programs in the 100th Congress and thereafter.

As you know, there have been extensive discussions to try to work out some modifications and a compromise version Senate Bill 2. As I see it, real campaign finance reform must include soft contributions where organizations or individuals provide personnel and other campaign services which do not come within the current dollar limitations.

There is no doubt that the increasing cost of Congressional campaigns places an inordinate burden on candidates generally and on the time of incumbents. While I do not believe that Members of Congress are improperly influenced by campaign contributions, I do believe that there is sufficient public concern about the appearance of influence that PAC's should be totally eliminated.

I am hopeful that acceptable campaign reform legislation can be crafted on this session, and I stand ready to work with my colleagues in the Congress, your organization and others to pass such appropriate legislation.

Sincerely,

ARLEN SPECTER.

STOP BLOCKING CAMPAIGN FINANCE REFORM

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: The way our congressional campaigns are financed is a national scandal. As The Washington Post has written, our congressional campaign financing system is "fundamentally corrupt. Every citizen knows that. So does every legislator."

During your 1986 Senate campaign, you agreed on the need to reform our congressional campaign financing system in a signed response to a Common Cause questionnaire.

You said you support legislation to establish an overall limit on the amount of PAC contributions a congressional candidate could accept. And you said you support legislation to establish a campaign finance system for congressional elections that would provide an overall campaign spending limit and a limit on the use of a candidate's personal wealth, along with partial public financing.

But instead of meeting your 1986 campaign commitment, in 1987 you voted seven times to block the Senate from acting on the basic reforms you say you support.

Had S. 2, the bill your filibuster blocks, been in effect during the 1986 election, PAC contributions to Senate candidates would have been reduced from $45 million to $16 million. Your own PAC receipts of $1.2 million for the 1986 election would have been cut to $572,000.

Fifty-five Senators are on record in favor of acting on this bill. Some 270 newspapers across the country, including Pennsylvania papers, have editorialized in favor of the legislation. And more than 70 diverse national organizations representing millions of citizens have joined in support of this legislation which is absolutely essential to restoring honesty and integrity in government.

Senator Specter, most scandals involve broken laws. In this case, the laws are the scandal—and they must be changed.

S. 2 is once again before the Senate and, shortly, you will have another opportunity to meet your campaign commitment.

Won't you please stop backing the filibuster that is protecting the current corrupt campaign financing system. Let the Senate act on S. 2.

Sincerely,

ARCHIBALD COX,
Chairman, Common Cause.

Mr. FRED WERTHEIMER,
President, Common Cause,
2030 M Street, NW, Washington, DC

DEAR MR. WERTHEIMER: Thank you for the opportunity to express my views on campaign finance reform. My responses to the Common Cause questionnaire are indicated below.

1. Do you support or oppose legislation establishing an overall limit on the total amount of PAC contributions an individual candidate for the U.S. House or Senate could accept?

Support: X
Oppose:

2. Do you support or oppose legislation to establish a campaign finance system for Congressional elections that would provide an overall campaign spending limit and a limit on the use of a candidate's personal wealth, along with partial public funding?

Support: X
Oppose:

Again, thank you for the opportunity to comment on the issue of campaign financing.

Sincerely,

ARLEN SPECTER.

Mr. McCONNELL. Mr. President, will the Senator yield?

Mr. SPECTER. I do. I yield the floor.

Mr. McCONNELL. I commend my friend from Pennsylvania for his leadership on this issue all along the way. He has been one of the most knowledgeable and effective spokesmen and also someone who truly understands what we are talking about here.

I think it is particularly unfortunate that Common Cause, whose tactics, it seems to me, off and on during this whole debate have been outrageous, has targeted the Senator from Pennsylvania and others. It makes no sense to me in terms of an attempt to influence our decisionmaking here, and we all know that the Senator from Pennsylvania certainly is not going to be influenced by those tactics.

In any event, I commend the Senator for an outstanding speech.

Mr. SPECTER. I thank the distinguished Senator from Kentucky.

I raise only the questions with Common Cause's tactics. I appreciate the breadth of the first amendment and I appreciate the work of Common Cause. But I do think it appropriate to raise those questions, notwithstanding Common Cause's very unique public position.

These are matters about which we can all think and ponder, and I have done a good deal of thinking on this issue.

I am well aware of the public policy considerations on public financing. I am very well aware of the constitutional limitations on this subject, and I regret that there has not been an effort and a movement to respond to my offer to move ahead with hearings on the constitutional issues. Certainly we could be simultaneously moving ahead with the underlying issue in Buckley versus Valeo.

The opinion in that case surprised me when it came down. I was in the middle of a primary election, having assessed my own financial capabilities within a $35,000 limitation in Pennsylvania in 1976 when Buckley versus Valeo came down.

It surprised me at the time and it continues to surprise me. In a context where there are limitations on what people may contribute to candidates, it seems to me that it is preeminently

sound and would have been a sound constitutional decision not to allow individuals to spend unlimited sums of money. But the Supreme Court has the final word, and I respect that far beyond my own views on any subject.

There are, however, procedures for making those modifications and they can start in the Constitution Subcommittee. I would work every diligently to achieve that objective and the objectives of those who urge campaign reform without becoming involved with public financing and with a campaign finance reform law that includes soft contributions and is fair to all parties concerned.

Mr. McCONNELL. There is no question that the Senator has put his finger right on one of the principal factors driving the escalating costs of campaigns. There is a dramatic increase in the amount of money that individuals are putting into their own use, the so-called millionaire's loophole. There is a dramatic increase in the amount of total PAC contributions. And there is a dramatic increase in the cost of television. We have suggested and the Senator from Pennsylvania has cosponsored bills that have done something about all portions of that.

I might mention to the Senator, before he leaves the floor, that I have another bill that I intend to introduce shortly which might at least provide some deterrent to the millionaire who is not real wealthy and that would be this: that we could not consistent with the Constitution limit what you can put into your own race or what you could borrow but we could, I am confident, constitutionally keep you from recovering it by going around after the election and recouping the amount of money you put up in order to buy the office from PAC's or individuals or anyone else.

So clearly we need to address as best we can consistent with the Constitution that millionaire's loophole problem because it is a growing problem in this body.

Mr. SPECTER. I thank the Chair and yield the floor.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WIRTH. Thank you, Mr. President.

Mr. President, once again, as we have returned to the consideration of this important legislation, the bill to reform campaign financing, I want to commend the Senator from Oklahoma [Mr. BOREN] and the distinguished majority leader for their cosponsorship of this enormously important piece of legislation and also for their persistence in continuing to push on this.

The issue of campaign finance reform is one that the American public has been slowly but surely coming to understand, and the time has come for us in the U.S. Senate and the U.S. House of Representatives to act and to act carefully, thoroughly, and expeditiously on this legislation.

I do not think there is any doubt that the great majority of those who have been involved in campaigns in recent years are sick and tired of the overinflated role that money is playing in American campaigns and the amount of time and attention that has to be devoted to raising the money to pay for increasingly expensive campaigns.

Things are completely out of control on this front, not only from the perspective of those who have to run for public office, but clearly, also, I think, from the perspective of those who are on the other end of it—those who are giving this money, making the contributions. They also are sick and tired of the current process that we have.

What is all of this doing to the whole process of public debate? I think public debate in the campaigns is diminishing as candidates for the House and candidates for the Senate are finding themselves spending more and more time just going about the process of raising the money necessary to fuel this huge machine. Even in the brief span of 13 years that I have been in public office, I have noted the decline in the time elected officials spend talking to the public, talking to voters and debating issues. The time for that has gone down every year—in a direct relationship to the time that has gone up as those elected officials and candidates for public office have had to spend raising these enormous amounts of campaign funds.

Are the American people well served by this process? I think not. I think the American people would certainly like to see us spending our time and focusing our attention on the debate of the great issues of our time, rather than moving from one kind of a fundraising event to another to try to keep up with the other guy just to neutralize the opponent's spending.

Each of us is in a zero-sum game. I spend, you spend, he spends, she spends; the amount goes up, goes up, goes up, and all we are doing is neutralizing each other's funding; kind of a Parkinson's law going on here in which one candidate raises a certain amount of money, then the other candidate for the same office has to raise the same amount and this continued spiral goes on, up and up and up.

The time has come to say: "Let's stop this. Let's put a lid on this. Let's insert some rationality into the whole process."

The question then, of course, is how to best go about accomplishing this? Is it possible to obtain universal or even substantial purely voluntary restraint? I fear not. Can we legislate mandatory limits on campaign spending? No—the Supreme Court has ruled that the only way we can secure limits on campaign spending is to provide incentives that will be sufficient to obtain widespread voluntary compliance. That, of course, means some form of public financing or other legislated benefit for those who comply voluntarily.

All who have observed this debate over the past several years—and, in particular, the debate on S. 2 throughout the year last year here on the Senate floor—have seen opponents claim that doing this is tantamount to public officials making a very thirsty trip to the public trough.

Let's slow down a moment, and review what that particular criticism means. We might look back to the early 1970's and look at all of the abuses of the financing of Presidential campaigns. I cannot imagine that there are many who were old enough to remember significant events of that period who do not recall the Watergate episode, and the array of problems and abuses that occurred during the 1972 Presidential campaign. Incredible sums were being raised and spent on the campaign. Money was being transported in suitcases to pay for questionable expenses and absolutely illegal expenses as well as for legitimate campaign costs.

And the funding of those campaigns was coming from a very, very small group of people who thus were having inordinate influence over the affairs of the Nation.

After the revelations of Watergate, the Nation said: "Enough is enough. Let's put a lid on this. Let's slow this down. Let's develop a more rational process."

The Nation said at that point, in legislation enacted in 1974: "Let's develop a process that produces the public discourse voters need to make decisions, but which does not turn elections for public office into bazaars where the office is for sale to the candidate who can raise the most outrageous sum of cash." And, at the Presidential level, we did precisely that, Mr. President. We enacted landmark legislation that moved us to a form of shared public-private financing of campaigns with voluntary spending limits. And it has worked beautifully.

Three of our colleagues in this body right now are taking advantage of that and using that very good benefit. Three of our colleagues right now, two on the Democratic side and one on the Republican side, are using precisely that kind of shared public-private. We

have not heard them complaining about it. I think they have used that very well. I think it has worked very well.

We are now in the middle of a Presidential campaign in which precisely that kind of a shared balance appears to be working and working very well. So if we can do it at the Presidential level, why can we not do it at the Senate and House level? Why can we not raise the level of debate? Why can we not limit the enormous amounts of influence from a handful of individuals as we used to have in the Presidential race in the Senate and House races as well? It is a perfectly reasonable question and it seems to me that the answer we find is that in the Presidential campaigns there is a model. Let us use that here.

The dollar-checkoff on the Federal income tax form is familiar to most taxpayers—and millions of Americans have voted by use of that checkoff to contribute a dollar of their taxes to finance Presidential campaigns in order to prevent the abuses of the past.

What has happened since the 1972 campaign, Mr. President? I think what we have seen is a campaign finance system for the presidency that is back in control. I do not think that anybody would argue that since we changed the rules for Presidential campaigns in the mid-1970's that there have been significant abuses of campaign financing at the Presidential level.

The only mistake that we made in the mid-1970's was not including congressional election campaigns in that campaign finance law at that time.

Unfortunately, in the 12 years since, we have seen a dramatic escalation of campaign financing for campaigns for election to the Senate and the House that I referenced earlier in my remarks.

The time has come, Mr. President, for us to follow the very good and sound precedent of public financing at the Presidential level—and apply it to House and Senate races as well.

The bill which is before us today—and which the Senate spent a great deal of time considering last year—is a very appealing, very carefully constructed vehicle to do precisely that.

It complies with the Supreme Court's stipulations on the way in which it is permissible to obtain campaign spending limits. It returns proportion and balance to the role Political Action Committees play in congressional elections. It will provide candidates who are the subjects of opposing independent expenditures the ability to respond to the charges for which those independent expenditures were paid. It will prohibit the practice of "bundling" contributions as a way around various contribution limits.

In short, this is a strong, well-constructed, worthwhile answer to the problems every Member of this body knows to exist in the way we now finance congressional campaigns.

And it is a way of preparing a little therapeutic medicine here. It is cutting off what is going to be someplace shortly down the line an enormous scandal. There is just too much money floating around this business, Mr. President, too much money, and, if we do not do it now, that scandal is going to hurdle us into action of some kind and probably that action will not be as well considered and as well thought out as the legislation in front of us.

We have debated long enough. The opponents have prevented action long enough. Now, while the Nation is focused on our vital political process in this election year, is the time for us to act. I hope we will see broad support for this legislation when the next vote on it occurs—from both sides of the aisle.

Both sides have benefited in Presidential campaigns from this shared public-private responsibility. It seems to me as both sides have benefited from that at the Presidential level, both sides have a responsibility to address this issue at the Senate level and the House level and do it responsibly, do it carefully, and be consistent with what we have done at the Presidential level.

I thank the Chair and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

CHARLES L. CRAMER

Mr. BOND. Mr. President, I rise to offer my thanks, best wishes, and congratulations to a native Missourian, Charles L. Cramer who has just retired from his position as St. Louis branch manager of USF&G Corp. In everything that Chuck has done, whether it is professional, civic, or charitable, he has served with distinction.

In fact, in the past year alone, the Independent Agents Association of Missouri and the Insurance Council of St. Louis named Chuck the "insurance person of the year." He is also a past chairman of the Missouri FAIR plan, a former secretary and now treasurer of the board of directors for the Missouri Insurance Guaranty Association, a past president of the Insurance Executives Association of St. Louis, chairman of the American Insurance Association's Missouri Conference Committee, and a member in good standing of the Missouri Insurance Institute's Advisory Committee and the Insurance Services Office Advisory Committee.

Chuck is a graduate of the University of Missouri and the Kansas City Law School. As a businessman, attorney, and leading citizen, he has been involved in many of the more vexing and important issues facing the State of Missouri and this Nation. For example, he was appointed by my successor to the Governor's Task Force on Liability Insurance. He has also served on Missouri's Arson Advisory Committee.

In addition, Chuck gives generously of himself. Since 1980, he served first on the board of directors for the St. Louis Christian Home for Children, now known as ECHO or the Emergency Children's Home of St. Louis and is now serving as its president.

Now that Chuck has supposedly retired, I know his wife, four children and five grandchildren hope that they will see more of him. However, I know that this retirement will not end his service to the State and St. Louis.

Thanks for all your work Chuck and best wishes.

BRET BERLIN

Mr. DASCHLE. Mr. President, just about the time one begins to wonder who among our young will one day be there to take the reins of responsibility to lead this Nation in the next generation reassurance is provided.

Such reassurance comes in my frequent conversations with our Senate pages. Their enthusiasm, their interest in the process, and their responsiveness gives me great confidence that the leaders of tomorrow are preparing themselves well.

The preparation continues beyond the experiences gained as Senate pages.

This week, a former Senate page, Bret Berlin, was inaugurated as a new senator at the University of Florida. I am informed that Bret, a freshman, received more votes in his election than any other candidate running. Given his 37,000 constituents attending the university, that is a remarkable achievement for a freshman student.

I know Bret to be a remarkable, young American leader. As a Senate page, as a high school student in Israel, as an ardent student of American politics and government, he is a convincing example of the caliber and character to be found in the next generation.

I congratulate him on his accomplishment. I encourage him and those who are not our proficient Senate pages to persevere. We welcome them and look forward to their increasing involvement in politics and government with great expectations.

A TRIBUTE TO LEE J. FREMSTAD, AWARD-WINNING CALIFORNIA JOURNALIST

Mr. WILSON. Mr. President, California recently lost one of her finest and most-loved journalists, Sacramento Bee reporter Lee J. Fremstad.

Lee was an award-winning reporter who covered dozens of political campaigns, including the Presidential campaigns of Californians Ronald Reagan and Jerry Brown. He was a talented and prolific writer, whose vivid copy enlivened the pages of not only the McClatchy papers, but also the California Journal, Esquire, and many other magazines over the years.

Lee was also devoted to advancing his profession and improving his community. He participated in many professional journalism organizations, including a stint as president of the Sacramento Press Club. He was a member of Amnesty International and volunteered his time helping prisoners on parole.

Mr. President, I would like to extend my deepest sympathies to Lee's family and his colleagues. He will be remembered fondly.

I ask unanimous consent to have printed in the RECORD the Bee's farewell to its long-time reporter, Lee J. Fremstad.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sacramento (CA) Bee]

27-YEAR BEE REPORTER, LEE J. FREMSTAD, 55

(By Steve Gibson)

Lee J. Fremstad, an award-winning reporter who covered a wide range of stories for The Sacramento Bee for 27 years, died Thursday after a long illness. He was 55.

Mr. Fremstad, who wrote about scores of state and national politicians when he worked in The Bee's state Capitol bureau from 1971 until 1981, was respected by coworkers for his ability to work well under pressure, his writing skill and unfailing good humor.

Troubed by poor health, he had been scheduled to begin disability retirement from The Bee today.

"Lee was a talented journalist who contributed much to this newspaper and this community," said Gregory Favre, executive editor of The Bee. "He will be missed."

"Lee was a nice man in a business that often isn't characterized by niceness," said Ted Sell, editor of McClatchy New Service.

Bud Lembke, a former Los Angeles Times reporter who worked with Mr. Fremstad on dozens of major stories, added, "Good writers can make their copy sing. Lee Frenstad was in the Metropolitan Opera category in that regard.

"He had other dominant qualities essential to good reporters: He liked people and they liked him," Mr. Lembke said. "That's what made his copy come alive and caused reporters to say, 'I wish I'd written that,' "

On April 12, 1967, he began his story of the last execution in California this way:

"Aaron Mitchell, 37-year-old murderer of Sacramento Police Officer Arnold Gamble, broke the unofficial moratorium on the death penalty in California today by dying in the San Quentin gas chamber.

"The potassium cyanide pellets plunked soundlessly into a vat of acid at 10:04 a.m., sending their lethal but colorless fumes into the lungs of the condemned man."

On Dec. 9, 1985, he began a story on Bhagwan Shree Rajneesh this way:

"What if they opened a commune and everybody left?

"That would be Rajneeshpuram—once an experiment in group living, now another page in the colorful history of the West. Its guru: Bhagwan Shree Rajneesh, once the resident leader of thousands in his own city, now an admitted ex-felon reflecting on it all somewhere in the Himalayas."

A native of Minneapolis, Minn., Mr. Fremstad served in the Navy aboard aircraft carriers during the Korean War. After leaving the Navy, he received a journalism degree from the University of Minnesota.

His career in daily journalism began with a stint as night wire editor on the Daily People's Press in Owatonna, Minn. Later, he worked for the Decatur, Ill., Herald & Review as a reporter. In 1959, he moved to Salt Lake City as a reporter and rewriteman for United Press International.

Shortly after coming to The Bee, he met the woman who became his wife, Virginia "Nita" Hanna, who was secretary to Keith Fuller, The Bee's industrial relations manager.

Mr. Fremstad later became active in The Newspaper Guild, serving as the Sacramento local's president in 1966, and faced Mr. Fuller across the bargaining table.

"I have a great deal of respect for him," Mr. Fuller said. "He was a man of great integrity."

"He was a conciliator by nature," said Martin Smith, McClatchy Newspapers political editor.

Mr. Fremstad was a member of the McClatchy 25-Year Club, the Society of Professional Journalists/Sigma Delta Chi, the Capitol Correspondents Association, the San Francisco Press Club and a past president of the Sacramento Press Club. He also was a member of Amnesty International and Volunteers in Parole, a group that helps former prison inmates.

He loved sailing, skiing, photography, jazz and sports cars. For years, he drove a Maserati Sebring 3500 GT.

While covering state politics for The Bee, he also served as Sacramento stringer for Newsweek, the New York Times and the London Daily Express.

A prolific writer, he turned out articles for The California Journal, Esquire, Argosy, Ski Magazine and Road and Track Magazine.

He once taught part-time in the journalism department at California State University, Sacramento.

As a political reporter, he covered the Republican National Conventions in 1972 and 1980. He covered the gubernatorial and presidential compaigns of Ronald Reagan and Jerry Brown. He also covered the California campaigns of Jimmy Carter, Robert Kennedy, John Anderson and Eugene McCarthy.

He was the recipient of the California Taxpayer's Association's best reporting award in 1973 and 1977.

In addition to his wife, he is survived by his mother, Florence Fremstad of Minneapolis, son, Erik, and daughter Britt, both of Sacramento; a brother, Ronald Fremstad of Minneapolis; and a sister, Joanne Hudson of Seattle.

A memorial service is scheduled for 1 p.m. Tuesday at W.F. Gormley & Sons Funeral Home, 2015 Capitol Ave. The family requests that any remembrances be sent to the Sacramento Journalism Foundation, c/o Lillian Hickey, Sacramento Bee, P.O. Box 15779, Sacramento 95852.

BICENTENNIAL MINUTE

FEBRUARY 17, 1906: "TREASON OF THE SENATE" SERIES BEGINS

Mr. DOLE. Mr. President, 82 years ago today, on February 17, 1906, the March issue of Cosmopolitan magazine arrived on the Nation's newsstands, with the first in a series of nine articles entitled "Treason of the Senate."

For several decades prior to the appearance of the series, the Senate had come into public disrepute through the intimate association of some of its Members with large corporate interests. At a time when Senators were still elected by State legislatures, there were ample grounds for concluding that the industrial capitalists who influenced the State houses also exercised great power in the selection of some Members. Only weeks before the Cosmopolitan series began, two Senators had been convicted on charges of taking fees from corporate clients for interceding on their behalf with Federal agencies.

Publisher William Randolph Hearst had hired popular novelist David Graham Phillips to prepare an investigative series. Employing the innuendo and overstatement typical of other so-called muck-raking writers of the day, Phillips selected 21 Senators for particular attention. His first installment included the following typical statement: "Treason is a strong word, but not too strong, rather too weak to characterize the situation in which the Senate is the eager, resourceful, indefatigable agent of interests as hostile to the American people as any invading army could be, and vastly more dangerous."

Phillips overplayed his hand. Although his series initially doubled the magazine's readership, it soon backfired. Genuine reformers feared that his carelessly researched articles would seriously harm their own efforts. When the series concluded in November, Phillips gladly returned to writing novels. In spite of its limitations, the series hastened adoption of a constitutional amendment providing for direct election of Senators.

A CENTURY OF ADULT EDUCATION—LEARNING NEVER ENDS

Mr. CRANSTON. Mr. President, today I want to join in commemorating the 100th anniversary of the Los Angeles Unified School District Division of Adult Education. I would like to share briefly with my colleagues the immeasurable contribution that this program has made to quality edu-

cation in Metropolitan Los Angeles over the past 100 years.

In 1887 the first night school in Los Angeles was opened in a public school building. It had 30 students. The curriculum was, simply, literacy. A great deal has happened since the one adult class began 100 years ago. In time, the program developed business, homemaking, Americanization, parent education, and vocational classes for the adult community of the Los Angeles area.

These classes and others have helped to meet the educational needs of a rapidly growing adult population. The program has responded to the rapid advances in technology which mandates that our high schools and adult students have access to training or retraining in the newest vocational skills. Social unrest such as the 1965 riots demonstrated—among other things—that many members of our community were not receiving the type of education and/or training required to enable them to take advantage of the employment opportunities available in the Los Angeles community and elsewhere. The adult education division was able, because of its unique ability to institute new programs, to establish skills centers in Watts, Pacoima, and east Los Angeles in 1966. By 1976, the program started three more such centers which offer short-term intense job training.

As of last year, 1986-87, the district had 27 community adult schools, 5 occupational centers, and 6 skills centers. In addition, the program's newest school, opened in 1986, is the business school which prepares adults and high school students to meet the challenges of this age of technology.

The mission of adult education is to provide quality, lifelong educational opportunities and services, responding to the unique needs of the individuals in the various communities. In contrast to the 30 students in that first class in 1887, the program served 446,132 students during the 1986-87 school year. As the Adult Education Program of the Los Angeles Unified School District enters its second century of public service, I wish to thank and commemorate those who have made the program such a success.

ROBERT E. LEWIS

Mr. INOUYE. Mr. President, I would like for my colleagues to take note of the dedication and accomplishments of Mr. Robert E. Lewis, an outstanding Hawaii businessman who recently completed a whirlwind year as chairman of the board of the American Trucking Associations. The ATA is the largest representative of the American trucking industry and its 7 million men and women.

Robert Lewis is president of American Pacific Transport Co., Ltd., which is headquartered in Honolulu. A self-made man, he founded that company in 1971 with four rented trucks and a small facility.

Mr. Lewis was perhaps the most active association chairman in the Nation, traveling hundreds of thousands of miles, to 33 States, to Europe and Australia. Often accompanied by his wife, Sylvia, he spoke before civic groups and the media, and delivered to the American people the industry's message of safety, professionalism, and pride.

Mr. Lewis is a former president and chairman of the Regional and Distribution Carriers Conference, and president of the Hawaii Transportation Association.

Mr. President, Robert E. Lewis possesses not only an outstanding record of achievement in business, but also the spirit of patriotism and pride that compelled him to give something back to the vital American industry he cares about so deeply. I invite my colleagues to join me in congratulating him on his impressive year as chairman of the board of the American Trucking Associations.

MESSAGES FROM THE HOUSE

At 11:50 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 1612) to authorize appropriations under the Earthquake Hazards Reduction Act of 1977 for fiscal years 1988, 1989, and 1990.

ENROLLED JOINT RESOLUTION SIGNED

At 3:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 122. Joint resolution to designate the week beginning October 16, 1988, as "Gaucher's Disease Awareness Week".

The enrolled joint resolution was subsequently signed by the Deputy President pro tempore [Mr. MITCHELL].

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Priscilla L. Buckley, of Connecticut, to be a Member of the U.S. Advisory Commission on Public Diplomacy for a term expiring July 1, 1989;

Tom C. Korlogos, of Virginia, to be a Member of the U.S. Advisory commission on Public Diplomacy for a term expiring July 1, 1990;

Hershey Gold, of California, to be a Member of the U.S. Advisory Commission on Public Diplomacy, for a term expiring July 1, 1990;

Donley L. Brady, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1989;

Mitchell E. Daniels, Jr., of Indiana, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1989;

David C. Miller, Jr., of the District of Columbia, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 1983;

Jay Kenneth Katzen, of Virginia, to be a Member of the Board of Directors of the African Development Foundation for the remainder of the term expiring February 9, 1990;

William F. Burns, of Pennsylvania, to be Director of the Arms Control and Disarmament Agency;

Milton Frank, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Kingdom of Nepal.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Milton Frank, Colonel, USAF (Ret.)

Post: U.S. Ambassador to the Kingdom of Nepal.

Contributions, amount, date, and donee.

1. Self: $27,265, 1981-1987.

Republican National Committee: 1981, $115; 1982, $700; 1983, $100; 1984, $100; 1985, $250; 1986, $250; 1987, $100; total $1,615.

Reagan-Bush 1984: $2,100.

GOP Victory Fund: 1981, $100; 1982: $275; total: $375.

Citizens for the Republic 1983: $150 1985: $5,000 (Statesman member); 1986: $5,000 (Statesman member); 1987: $750. Total: $10,900.

Ronald Reagan Presidential Foundation: 1986; $1,000.

The President's Dinner: 1986, $1,500; 1987, $1,500; total $3,000.

Republican Senatorial Inner Circle: 1985, $1,000; $50; 1986: $50; 1987: $1,000; total: $2,100.

Presidential Task Force: 1981, $120; 1982, $75; 1983, $290; 1984, $120; 1985, $70; 1986, $340; total: $1,015.

National Republican Senatorial Committee: 1983, $125; 1984: $328; total: $453.

National Republican Congressional Committee: 1981-85, $1,350; 1986, $100; total: $1,450.

United States Senatorial Club: 1984, $99.

Senator Jesse Helms: Helms for Senate, $292.84; Jesse Helms Senatorial Club, $182.84, Jesse Helms Legal Defense Club, $50. Fairness in Media, $200; total: $725.68.

By year: 1983, $25; 1984, $85; 1985, $215; 1986; $175.68; 1987; $225; total: $725.68

California Republican Party: 1983, $50; 1984, $75; 1986, $100; $50; 1987; $50; total: $325.

Republican Shareholders Convention: 1981, $20.

Republican Associates (California): 1984, $85; 1985, $85; 1986, $85; total: [1] $255.

Congressional Majority Committee: 1984, $50.

Citizens for America: 1984, $20; 1985, $20; 1986; $20; Total: $60.

California Unity Fund: 1986, $1,000.

The Kerry Committee: 1984-86, $100.

Jack Kemp: 1984, $20.

[1] Plus, travelling with this group to Washington, D.C. for the President's Inauguration.

Goldwater For Senate: 1982, $25; $25; $50; $50; $50; $50; 1983: $50; total: $300.

Herschensohn Debt Reduction Fund: 1986, $100.

Laffer for Senate: 1984-5, $200.

2. Former spouse: Mary Rose (Carroll) Duffield; Mrs. John Richard Duffield (divorced more than 10 years).

3. Children and spouses names: Christopher Duffield (not married) (was adopted by stepfather), none.

4. Parents names: Milton and Hannah Charlotte (Politz) Frank. Both have been deceased more than 10 years), none.

5. Grandparents names: Goedfrey and Bertha Politz (Mother's parents). Leon and Elizabeth ("Betty") Franck (Father's parents) All have been deceased more than 30 years, none.

6. Brothers and spouses names: Not applicable; no brothers.

7. Sisters and spouses names: Merle (Frank) Schneider, (deceased more than 20 years); Husband: William A. Schneider, deceased more than 5 years. Leone Frank (not married), none.

Richard Huntington Melton, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nicaragua.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Richard H. Melton.

Post: Managua, Nicaragua.

Contributions, amount, date, and donee:

1. Self: Richard H. Melton, none.

2. Spouse: Margaret A. Melton, none.

3. Children and spouses names: Craig H., Cathleen M., and Pamela M. Melton, none.

4. Parents names: Deceased.

5. Grandparents names: Deceased.

6. Brothers and spouses names: John W. Melton and Christana Melton, none.

7. Sisters and spouses names: None.

Charles Franklin Dunbar, of Maine, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Yemen Arab Republic.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Charles Franklin Dunbar.

Post: Ambassador to Yemen.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Nelia Walker Dunbar, Andrew Barbey Dunbar, Charles Matthew Dunbar, none.

4. Parents names: Charles Franklin Dunbar (deceased), Katherine Barbey Dunbar (deceased).

5. Grandparents names: Frank A. Barbey, Mary Barbey (both deceased); William Harrison Dunbar (deceased), Mrs. William H. Dunbar (deceased).

6. Brothers and spouses names: None.

7. Sisters and spouses names: None.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND (for himself, and Mr. HOLLINGS):

S. 2058. A bill to authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DIXON:

S. 2059. A bill to amend title 18, United States Code, to punish as a Federal criminal offense the crimes of international parental abduction; to the Committee on the Judiciary.

S. 2060. A bill to to provide assistance for small communities with ground water contamination, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CRANSTON (for himself, and Mr. BURDICK):

S. 2061. A bill to establish national standards for voter registration for elections for Federal office, and for other purposes; to the Committee on Rules and Administration.

By Mr. NICKLES:

S. 2062. A bill to amend the Internal Revenue Code of 1986 to restore to State and local governments the right to purchase gasoline without payment of the Federal gasoline excise tax; to the Committee on Finance.

By Mr. DURENBERGER:

S. 2063. A bill to amend the Internal Revenue Code of 1986 to provide that income of a child on investments attributable to the child's earned income shall not be taxed at the parents' rate of tax; to the Committee on Finance.

By Mr. SANFORD:

S. 2064. A bill for the relief of Cecilia Chikoby Ogugua; to the Committee on the Judiciary.

By Mr. HEINZ (for himself, and Mr. SPECTER):

S. 2065. A bill to recognize the organization known as "Veterans of the Vietnam War, Inc."; to the Committee on the Judiciary.

By Mr. ROTH:

S. 2066. A bill relating to the ocean dumping of municipal sludge; to the Committee on Environment and Public Works.

By Mr. CONRAD (for himself, and Mr. BURDICK):

S. 2067. A bill to amend the Internal Revenue Code of 1986 to permit farmers to purchase tax-free certain fuels for farm use, and for other purposes; to the Committee on Finance.

By Mr. MITCHELL (for himself, Mr. CHAFEE, Mr. BENTSEN, Mr. JOHNSTON, Mr. INOUYE, Mr. MOYNIHAN, Mr. SANFORD, Mr. COHEN, Mr. LAUTENBERG, Mr. BRADLEY, Mr. D'AMATO, Mr. MATSUNAGA, Mr. WARNER, Mr. SARBANES, Ms. MIKULSKI, and Mr. GRAHAM):

S. 2068. A bill to amend the Marine Protection, Research and Sanctuaries Act to protect marine and near-shore coastal waters through establishment of regional marine research centers; to the Committee on Environment and Public Works.

By Mr. INOUYE:

S. 2069. A bill to amend title 37, United States Code, to authorize the payment of incentive special pay for nurses in the Armed Forces; to the Committee on Armed Services.

By Mr. GARN (for himself, Mr. BOND, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. COCHRAN, Mr. D'AMATO, Mr. DANFORTH, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. EVANS, Mr. GRAMM, Mr. GRASSLEY, Mr. HATCH, Mr. HEINZ, Mr. HUMPHREY, Mr. KASTEN, Mr. LUGAR, Mr. MCCAIN, Mr. MCCLURE, Mr. MURKOWSKI, Mr. NICKLES, Mr. QUAYLE, Mr. STAFFORD, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, Mr. WALLOP, Mr. WARNER, Mr. WEICKER, Mr. WILSON, Mr. ADAMS, Mr. BENTSEN, Mr. BRADLEY, Mr. BUMPERS, Mr. BURDICK, Mr. CHILES, Mr. DECONCINI, Mr. DODD, Mr. EXON, Mr. FOWLER, Mr. GLENN, Mr. GORE, Mr. HEFLIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSTON, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Mr. METZENBAUM, Mr. MITCHELL, Mr. MOYNIHAN, Mr. NUNN, Mr. REID, Mr. SANFORD, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. STENNIS, and Mr. SIMPSON):

S.J. Res. 255. Joint resolution to authorize and request the President to issue a proclamation designating April 24, through April 30, 1988 as "National Organ and Tissue Donor Awareness Week"; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. LUGAR, Mr. DIXON, Mr. BENTSEN, Mr. BRADLEY, Mr. PELL, Mr. STENNIS, Mr. BOREN, Mr. MURKOWSKI, Mr. BURDICK, Mr. THURMOND, Mr. WIRTH, Mr. PRYOR, Mr. BREAUX, Mr. DOMENICI, and Mr. HEFLIN):

S.J. Res. 256. Joint resolution to designate March 18, 1988, as "National Energy Education Day."; to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself, Mr. D'AMATO, Mr. MOYNIHAN, Mr. BRADLEY, Mr. ARMSTRONG, Mr. GLENN, Mr. KERRY, Mr. DURENBERGER, Mr. DOLE, Mr. SYMMS, Mr. BUMPERS, Mr. HECHT, Mr. GORE, Mr. DECONCINI, Mr. WALLOP, Mr. WILSON, Mr. MURKOWSKI, Mr. SIMON, Mr. MCCLURE, Mr. BOSCHWITZ, Mr. KARNES, Mr. RIEGLE, Mr. PROXMIRE, Mr. TRIBLE, Mr. BIDEN, Mr. CHAFEE, Mr. LUGAR, Mr. DOMENICI, Mr. MCCAIN, Mr. PRYOR, Mr. QUAYLE, Mr. LAUTENBERG, Mr. DODD, Mr. DIXON, Mr. ROCKEFELLER, Mr. SHELBY, Mr. HELMS, Mr. BOREN, Mr. BURDICK, Mr. GRASSLEY, Mr. PRESSLER, Mr. NICKLES, Mr. HATCH, Mr. COCHRAN, and Mr. GRAHAM):

S.J. Res. 257. Joint resolution to authorize and request the President to issue a proclamation designating March 21, 1988, as "Afghanistan Day," a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. PRYOR, Mr. LEVIN, Mr. HELMS, Mr. HOLLINGS, Mr. DOMENICI, Mr. GORE, Mr. MITCHELL, Mr. KASTEN, Mr. PROXMIRE, Mr. BINGAMAN, and Mr. DURENBERGER):

S.J. Res. 258. Joint resolution expressing the sense of the Congress that the people of the United States should purchase products made in the United States and services provided in the United States, whenever possible, instead of products made or services performed outside the United States; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 2058. A bill to authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

CHARLES PINCKNEY NATIONAL HISTORIC SITE

Mr. THURMOND. Mr. President, today I am introducing legislation which will authorize the establishment of the Charles Pinckney National Historic Site. Charles Pinckney was one of our country's finest founding fathers. His estate, known as Snee Farm, is one of only eight actual primary dwellings left that can be directly associated with a signer of the Constitution, and it is the only one that is currently threatened due to plans to develop the Snee Farm property.

The Snee Farm home is a simple one and one-half story, clapboard structure that was built in 1754 by Col. Charles Pinckney, father of the signer of the Constitution. The farm house is the center piece of a serene 21-acre tract of land outside Charleston, SC. George Washington, after a visit to the estate, referred to Snee Farm as "the County seat of Charles Pinckney."

Mr. President, as we celebrate the signing and ratification of the bicentennial of the Constitution, it is fitting to preserve the home of one of the most prominent figures at the Constitutional Convention. Charles Pinckney began a career of dedicated service to his country by serving in the Revolutionary War. He rose to the rank of lieutenant and was captured and held as a prisoner of war after the fall of Charleston in 1780.

One of Charles Pinckney's greatest contributions to our country was his service as a delegate to the Constitutional Convention. Although he was the second youngest delegate, Pinckney has been credited with being one of the most influential members. He attended full time, spoke often and effectively, and contributed immensely to the final draft and to the resolution of problems that arose during debate. Pinckney also authored a draft of the Constitution, known as the Pinckney draft. It is believed that as many as 31 provisions of his draft were later adopted into the Constitution.

After working to ensure ratification of the Constitution by South Carolina in 1888, Pinckney continued a distinguished career in government. He served four terms as Governor of South Carolina—1789-92, 1796-98, 1806-08—and served in the South Carolina General Assembly from 1810 to 1814. He was elected to the U.S. Senate in 1798; and in 1801, Pinckney was appointed as U.S. Minister to Spain by President Thomas Jefferson. He finished his public service in the U.S. House of Representatives serving from 1819 to 1821. Charles Pinckney's long and distinguished career as a public servant clearly makes him worthy of this tribute by authorizing the Charles Pinckney National Historic Site.

Mr. President, the legislation I am introducing authorizes the Secretary of the Interior to accept the donation of the Snee Farm property. An effort, by a group of citizens known as Friends of Snee Farm, is underway to raise private funds to purchase the property. The fundraising project is being spearheaded by such able individuals as Mrs. Ernest F. Hollings, the wife of my distinguished Senate colleague from South Carolina; former South Carolina Governor Robert McNair; and Mrs. Ann Edwards, wife of former South Carolina Governor and former U.S. Department of Energy Secretary, Dr. James Edwards. In addition, my wife, Nancy, is chairperson of the Snee Farm Children's Education Committee. The commitment to raise funds by these highly respected individuals makes it probable that Snee Farm will be privately purchased and then donated to the Interior Department.

Mr. President, this worthy effort has been noted by Mr. William Penn Mott, Jr., the Director of the National Park Service, who has stated, "The National Park Service is proud to count Snee Farm on its list of national historic landmarks and fully supports your efforts to save this historic site. We believe that Snee Farm's destruction would be a tragedy for the Nation and an insult to the memory of one of the greatest of the Founding Fathers."

Mr. President, this is a very worthy proposal, and I urge my colleagues to give this measure prompt and favorable consideration. I ask unanimous consent that this bill appear in the RECORD immediately following these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION TO ESTABLISH SITE.

In order to protect and interpret for the benefit of the people of the United States the home of Charles Pinckney, signer of the United States Constitution and author of the document known as the "Pinckney Draft" of the Constitution, the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") is authorized to designate such of the lands, interests in lands, and improvements thereon as comprise the property in the vicinity of Charleston, South Carolina, known as "Snee Farm" which he deems necessary and appropriate for establishment and administration as a national historic site.

SEC. 2. LAND ACQUISITION.

(a) AUTHORITY TO ACQUIRE LAND.—Within the area designated by the Secretary pursuant to section 1 of this Act, the Secretary is authorized to acquire lands, interests in lands, and improvements thereon by donation, purchase with donated or appropriated funds, or exchange. The Secretary may also acquire, by the same methods, personal property associated with and appropriate for interpretation of the site.

(b) ESTABLISHMENT OF SITE.—When the Secretary determines that real property sufficient to constitute an efficiently administrable unit has been acquired by the United States for the purposes of this Act, the Secretary shall establish the Charles Pinckney National Historic Site by publication of a notice to that effect in the Federal Register. The Secretary may thereafter continue to acquire property for the site in accordance with the provisions of this Act. Pending such establishment and thereafter, the Secretary shall administer real and personal property acquired for the purposes of this Act in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461).

(c) REPORT TO CONGRESS.—Within 3 complete fiscal years from the date of enactment of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the national historic site, prepared in accordance with section 12(b) of the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a1-1a7). Such plan shall identify appropriate facilities for proper interpretation of the site for visitors.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. HOLLINGS. Mr. President, I rise together with my distinguished senior colleague from South Carolina to introduce legislation to authorize the National Park Service to acquire and administer historic Snee Farm in Charleston County, SC. This bill would work the will of lowcountry Carolinians and historical preservationists across America who have been shocked by developers' plans to bulldoze this pre-Revolutionary estate into yet another chock-a-block suburban housing subdivison.

Mr. President, outside of academia, I know of no other group in America that can rival the Members of this Senate in their knowledge of history and the Constitution. Many of our colleagues are familiar with Snee Farm as the home of Charles Pinckney, signer of the Constitution and renowned as one of its principal drafters. Charles Pinckney's distinguished career included service as an officer

during the Revolutionary War, four terms as Governor of the State of South Carolina, Member of the United States Senate and House of Representatives, and Minister to Spain.

The Pinckney homestead at Snee Farm is 1 of only 13 that survive in America that can be directly associated with a framer of the U.S. Constitution. It was visited by George Washington in 1791. The 233-year-old house and its surrounding acres are recognized by the National Park Service as a national historic landmark, a designation reserved for the Nation's most important historic and cultural treasures. Yet this distinguished history offers no protection whatsoever from the depredations of development. Indeed, the current owner of Snee Farm has thumbed his nose at history and heritage by announcing a plan to build 41 single-family luxury homes on the site. Just last week, the National Park service listed Snee Farm as one of the Nation's most "threatened" landmarks.

Mr. President, citizens across South Carolina and around the Nation have mobilized to acquire funds to purchase the Pinckney estate. Already, some $600,000 of the $2 million needed to acquire the property has been raised. So chances are that no expenditure of Federal money will be required. Nonetheless, the National Park Service requires congressional authorization in order to acquire and administer the Snee Farm property, and that is precisely the purpose of this bill. I urge my colleagues to give it their undivided support.

By Mr. DIXON:

S. 2059. A bill to amend title 18 of the United States Code to punish as a Federal criminal offense the crimes of international parental abduction; to the Committee on the Judiciary.

INTERNATIONAL PARENTAL ABDUCTION

Mr. DIXON. Mr. President, I rise to introduce legislation designed to fill the vacuum in current Federal law which allows the unabated international parental abduction of more than 400 children each year. The victims are children from every State of this country, who have been kidnaped and are being held hostage in countries around the world. International parental child abduction is a crime, and it should be recognized as such. This bill makes it a Federal felony.

The magnitude of this problem is shocking. The State Department has recorded over 2,500 of these cases since 1975, but many experts believe this number is low. We simply do not know how many cases have not been reported. Some people believe the total is closer to 10,000. The rate at which this crime is increasing is disturbing. Since May 1983, the number of cases known to the State Department has jumped 84 percent. Last year, in my home State of Illinois alone, the number shot up 60 percent.

Who is hurt by international abduction? First, the child. Child psychologists from the Illinois State Police assert that the trauma associated with an abduction of this kind, and the subsequent deprivation of one parent's love, is one of the most horrendous forms of child abuse. After they are kidnaped, the children are frequently told that their other parent has abandoned them, hates them, and never wants to see them again.

Second, the left-behind parent suffers as well. They are left with an empty life, deprived of the children they loved and that gave them reason to live. Certainly, this experience is one of the most tragic any parent can suffer.

Yet, while the majority of the States recognize this crime as a felonious offense, the Federal Government still does not. The absence of Federal legislation denies the victim parent Federal assistance and allows the abductor to escape Federal prosecution.

There are at least four reasons this legislation is so urgently needed. First, it will provide a necessary deterrent to parents contemplating an abduction. Currently, the abducting parent can flee to safe havens around the world knowing that the U.S. Government will not pursue them. While this law will, obviously, not prevent every abduction, each abduction deterred is extremely significant for both the young child and their American parent.

Second, without Federal criminal charges, extradition of these abductors is not possible. This legislation will enable the United States to extradite parental child abductors in many cases where extradition treaties currently exist.

Third, the criminalization of international parental child abduction will strengthen the hand of the State Department when negotiating for the return of these children.

Let me elaborate on this point. Last fall, I met with Joan Clark, the Assistant Secretary of State for Consular Affairs, to impress upon her my deep concerns about the lack of assistance this Government provides parents whose children have been abducted. I am sorry to say that the State Department has been little more than a legal referral service. They only conducted a "whereabouts and welfare search," and provided a list of attorneys working in the country to which the children were taken. That is all they did. They were simply a source of information. Nothing was done to help the custodial parent bring their child home.

Mr. President, the problem of international parental child abduction was such a low priority at the State Department that there was not one person in any U.S. Embassy, any where in the world, specifically assigned the job of trying to resolve these cases and recover these young American citizens. Furthermore, the State Department did not even have a central desk in Washington to assist in handling these cases. Instead, victim parents faced an endless line of new faces. Again and again they had to fully explain their problem and ask for help getting their children. Almost every time they heard the same answer, "There is nothing we can do."

Mr. President, through my office I heard the same story from hundreds of frustrated and distraught parents. "There is nothing we can do" is just not good enough, not from a country as great, and with as much influence in the world, as our own. So I met with Assistant Secretary Clark to see what could be done.

Since my meeting with Assistant Secretary Clark, the State Department has announced a number of significant improvements in the way it handles international parental child abduction cases. First, the Department established a unit within the consular affairs office to coordinate and direct action on these cases. Second, they are in the process of assigning one person in each U.S. mission around the world to be responsible for actively working on behalf of American parents to get these children back. At last the State Department has introduced some accountability into the system. There is someone in Washington, and someone in each country of the world, that is responsible. Someone that you can call, or I can call, or any constituent can call to aks how a particular case is progressing. If nothing is happening, someone must now say why.

Further, Ms. Clark has written every U.S. Ambassador to emphasize the importance of international abduction cases. The Ambassadors have been instructed to use every avenue, including legal and diplomatic, to pursue the return of these children. Finally, each post has received a list of the cases in that country.

Mr. President, I am pleased that the State Department has made these important changes, and I credit Assistant Secretary Clark for personally directing this restructuring. However, the proof is in the pudding. These structural changes must be matched by commitment within the Department to aggressively pursue these cases. I hope each person charged with that responsibility will do so with all the resourcefulness and vigor they posses. I want to commend Hume Horan, our Ambassador to Saudi Arabia, for exhibiting the type of personal involvement and diligence victim parents deserve. I will continue to watch carefully, and hopefully.

This brings me back to one of the reasons Congress needs to criminalize

international parental child abduction. The State Department cannot do this job alone. Congress must do its part as well. This legislation will put an important new tool into the hands of State Department officials. If this bill passes, a U.S. Ambassador will be armed with a Federal warrant when asking a foreign government to intervene and assist in the return of an American child. This will greatly strengthen our negotiating position.

Finally, by passing this measure, we will send a strong message to the international community that the United States views international parental child abduction as a serious crime, and will not tolerate the kidnaping of its young citizens.

Mr. President, every month, 30 to 40 more young Americans are kidnaped and held hostage in countries around the world. Last year, the Senate responded to this tragic problem by passing, without opposition, language identical to this bill as an amendment to the Foreign Relations Authorization Act. Unfortunately, this measure was dropped in conference. Our colleagues on the House Judiciary Committee insisted on holding hearings before agreeing to this legislation, and I respect their desire to carefully examine such a significant change in the law. Now, I urge both the House and the Senate to act swiftly to honor the commitments made at that time to consider this legislation expeditiously. It is time for Congress to act. Each week, eight more children are abducted. How many of those could be prevented by this bill?

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2059

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. OFFENSE.

(a) Chapter 55 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1204. International Parental Child Abduction

"(a) For purposes of this section—

"(1) the term 'child' means a person under the age of 18 at the time the offense occurred;

"(2) the term 'detains' means taking or retaining physical custody of a child, whether or not the child resists or objects; and

"(3) the term 'lawful custodian' means—

"(A) a person or persons granted legal custody of a child or entitled to physical possessions of a child pursuant to a court order; or

"(B) the mother of the child when the parents have not been married, the father's paternity has not been established by a court of law, and no other person has been granted custody of the child by a court of law.

"(b) Whoever—

"(1) intentionally removes a child from, or conceals or detains a child outside the jurisdiction of the United States without the consent of the person who has been granted sole or joint custody, care, or possession of the child;

"(2) intentionally removes a child from the jurisdiction of the United States in violation of a valid court order which prohibits the removal of the child from a local jurisdiction, State or the United States;

"(3) intentionally removes a child from, or conceals or detains a child outside the jurisdiction of the United States without the consent of the mother or lawful custodian of the child if the person is a putative father who has not established paternity of the child:

"(4) being a parent of a child born out of wedlock if the paternity of the father has been established by a court of law but there has been no order of custody, removes a child from, or conceals or detains a child outside the jurisdiction of the United States without the consent of the child's other parent;

"(5) intentionally removes a child from, or conceals or detains a child outside the jurisdiction of the United States after filing a petition or being served with process in an action affecting marriage or paternity but prior to the issuance of a temporary or final order determining custody;

"(6) being a parent of the child, and if the parents of such child are or have been married and there has been no court order of custody, conceals the child for 30 days outside the jurisdiction of the United States, and fails to make reasonable attempts within the 30-day period to notify the other parent to the whereabouts of the child or to arrange reasonable visitation or contact with the child;

"(7) being a parent of the child, and where the parents of the child are or have been married and there has been no court order of custody, conceals or detains a child outside of the jurisdiction of the United States when the child was taken with physical force or the threat of physical force;

"(8) at the expiration of visitation rights outside of the jurisdiction of the United States, intentionally fails or refuses to return or impedes the return of the child to the jurisdiction of the United States;

"(9) conceals, detains, or removes the child outside the jurisdiction of the United States for payment or promise of payment at the instruction of a person who has not been granted custody of the child by a court of law;

"(10) being a parent of the child, instructs another person to conceal, detain or remove a child when that act when committed by the parent would be a violation of this Act; or

"(11) aids or abets any person violating paragraphs (1) through (10),

shall be guilty of child abduction and shall be fined in accordance with this title or imprisoned not more than 3 years or both.

"(c) It shall be an affirmative defense under this section that—

"(1) the defendant acted within the provisions of a valid court order granting the defendant legal custody of visitation rights and that order was in effect at the time of the offense;

"(2) no court within the United States could exercise jurisdiction to determine custody of the child pursuant to the provisions of the Uniform Child Custody Jurisdiction Act;

"(3) the defendant has physical custody of the child pursuant to a court order granting legal custody or visitation rights and failed to return the child as a result of circumstances beyond the defendant's control, and the defendant notified or made a reasonable attempt to notify the other parent or lawful custodian of the child of such circumstances within 24 hours after the visitation period had expired and returned the child as soon as possible; or

"(4) the defendant was fleeing an incidence or pattern of domestic violence.

"(d) If upon sentencing, the court finds evidence of any of the following aggravating factors:

"(1) that the defendant abused or neglected the child during the concealment, detention, or removal of the child or placed or caused the child to be placed in the care of another person who abused or neglected the child;

"(2) that the defendant inflicted or threatened to inflict physical harm on a parent or lawful custodian of the child or on the child with intent to cause such parent or lawful custodian to discontinue criminal prosecution of the defendant under this section;

"(3) that the defendant demanded payment in exchange for return of the child or demanded that the defendant be relieved of the financial or legal obligation to support the child in exchange for return of the child;

"(4) that the defendant has previously been convicted of a State or Federal child abduction offense; or

"(5) that the defendant committed the abduction while armed with a deadly weapon or the taking of the child resulted in serious bodily injury to another,

the sentence imposed by the court in accordance with this title shall be more severe than in the absence of such factors.

"(e) There is criminal jurisdiction over conduct prohibited by this Act if the court has jurisdiction to determine custody of the child subject to the prohibited conduct pursuant to the provisions of the Uniform Child Custody Jurisdiction Act.".

"(b) The table of sections for chapter 55 of title 18, United States Code, is amended by adding at the end there of the following new item:

"1204. International parental child abduction".

SEC. 2 EFFECT OF PRIOR REMOVAL.

If a child was removed from the jurisdiction of the United States prior to the date of enactment of this Act, charges under section 1204 of title 18, United States Code, as added by this Act, may be approved only in cases involving the concealing or detaining of the child in violation of a court order that existed at the time of the child's removal from the jurisdiction of the United States.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days from the date of enactment of this Act.

By Mr. DIXON:

S. 2060. A bill to provide assistance for small communities with ground water radium contamination, and for other purposes; to the Committee on Environment and Public Works.

RADIUM REMOVAL DEMONSTRATION PROJECT

Mr. DIXON. Mr. President, I rise today on behalf of the small communities all across America. These communities are making good faith efforts to come into compliance with Federal mandates to remove excess levels of radium from their ground water. Unfortunately, many of these communities lack the ability to pay for improvements; improvements that can cost as much as $150,000 to $15 million.

Radium is a naturally occurring carcinogen for which the EPA has determined maximum contaminant levels. These communities did not cause radium to be in their drinking water. Nor did they ask the Federal Government to remove it. No, the Government told them they must remove it. If it is the obligation of the Federal Government to assure that every American has safe water to drink—and I believe it is—it must also make sure small communities will have the tools necessary to clean up their water.

The bill that I am introducing today will assist local communities in radium abatement at very little cost to the Federal Government. The $14 million this bill authorizes over 3 years would not be outright grants. Instead, recipients would be able to use the money to provide insurance and prepay interest for local obligations. By reducing the overall financial burden on municipalities, each Federal dollar used maximizes what a local government can afford to pay. In a period of scarce budget dollars, this seem a judicious allocation of our resources.

I urge my colleagues to join me in helping small communities help themselves to obtain safe drinking water.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

RADIUM REMOVAL DEMONSTRATION PROGRAM

SECTION 1. The Administrator of the Environmental Protection Agency, in cooperation with State public authorities, may assist local governments in demonstrating mitigation of radium contamination in ground water. Upon application of any State public authority, the Administrator may make a grant to that authority for such purposes. Assistance provided pursuant to this section shall be used for financing the acquisition and installation of ground water treatment technologies needed to remove radium from ground water used as a source of public drinking water for residents of small communities under the jurisdiction of such local governments.

LEVEL OF CONTAMINATION

SEC. 2. A grant may only be made under section 1 for removal of radium from ground water if the level of contamination from such radium exceeds the maximum contaminant level for radium established under title XIV of the Public Health Service Act (relating to safe drinking water).

PURPOSES OF GRANTS

(1) Providing insurance or prepaying interest for local obligations issued by a local government to finance the acquisition and installation of treatment technologies described in section 1.

(2) Paying for the costs of administration for establishment and operation by such authority of a program to provide financing for such acquisition and installation.

DEFINITIONS

SEC. 4. For purposes of this Act, the term—

(1) "small community" means a political subdivision of a State the population of which does not exceed 20,000 individuals; and

(2) "State public authority" means an agency or instrumentality of a State which is established for the purposes of assisting local governments in financing capital improvements on a statewide or regional basis.

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. The following sums are authorized to be appropriated to carry out this Act:

Fiscal Year:	*Amount*
1988	$4,000,000
1989	5,000,000
1990	5,000,000.

By Mr. CRANSTON (for himself and Mr. BURDICK):

S. 2061. A bill to establish national standards for voter registration for elections for Federal office, and for other purposes; to the Committee on Rules and Administration.

UNIVERSAL VOTER REGISTRATION ACT

Mr. CRANSTON. Mr. President, today I am introducing the Universal Voter Registration Act of 1988. The distinguished senior Senator from North Dakota [Mr. BURDICK] joins me in sponsoring this legislation. This act is similar to legislation that I introduced last November. Since the legislation was introduced in November it has been endorsed by over 100 national citizens organizations. Other organizations, while endorsing the concepts incorporated in the bill, made suggestions to improve the legislation. This new bill incorporates many of the suggestions which were made. These changes have made a strong piece of legislation even stronger.

Mr. President, in just 10 months millions of U.S. citizens will go to the polls to vote for a candidate for our Nation's highest office. Millions will vote for candidates for the Senate and House of Representatives, for Governor, and for other State, county and municipal offices.

Mr. President, there also will be millions of Americans who do not vote in 1988, just as there were millions of Americans who did not vote in 1986 and 1984. Turnout in the 1984 Presidential election barely exceeded 50 percent of the eligible electorate. Only 37 percent of those citizens eligible to vote did so in the 1986 congressional elections.

Mr. President, not all of the reasons for low voter turnout are subject to legislative remedies. But the structural barriers to registration can be corrected by legislative action. By establishing election day registration, mail registration and registration in public agencies for Federal elections, the legislation which I am introducing today will remove the structural barriers to registration which exist in this country.

Mr. President, this legislation will expand the opportunities for registration significantly. The easier it is for people to register, the more likely it is that people will vote. The majority of people who register do vote. But until we expand registration opportunities, the United States will continue to have the lowest voter turnout of any industrial democracy.

The Senate Rules Committee will hold hearings on this legislation this spring. I urge the committee to report the legislation to the full Senate for consideration this year.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Universal Voter Registration Act of 1988".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the right to vote is fundamental in a democracy, and it is the duty of the Federal, State, and local governments to maximize the exercise of that right in elections for Federal office;

(2) the Congress has authority to regulate the time and manner in which citizens may register for, and vote in, elections for Federal office;

(3) the establishment of national standards for voter registration with respect to elections for Federal office would facilitate the participation of citizens in the electoral process and would remove barriers to, and maximize, such participation;

(4) restrictions on the ability of citizens to register have a direct and damaging effect upon voter participation in elections; and

(5) restrictions on the ability of citizens to register have disproportionately harmed voter participation by various groups, including racial minorities.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish national standards which will increase registration of eligible citizens in elections for Federal office in order to maximize voting participation;

(2) to provide financial and other assistance to enable States to provide expanded opportunities for voter registration before and on the date of elections for Federal office and to modernize the administration of elections and voter registration; and

(3) to create an affirmative duty on the part of the Federal, State, and local govern-

ments to maximize the voting participation of eligible citizens in elections for Federal office.

SEC. 3. NATIONAL STANDARDS FOR VOTER REGISTRATION.

Notwithstanding any other provision of law, any individual who is eligible to register shall be entitled to apply for registration for any election for Federal office—

(1) by mail;

(2) in person—

(A) at a place designated for this purpose for the current address of such individual;

(B) at any Federal, State, county, or municipal agency that serves the public directly; or

(C) at any private agency that voluntarily agrees to register voters; or

(3) on the day of the election, at the polling place designated as the appropriate polling place for the current address of such individual.

SEC. 4. STATE PLANS.

(a) REQUIREMENT.—Where a State establishes and maintains a system of voter registration, the State shall allow an individual to register to vote for elections held on the date of elections for Federal office, in the manner provided by a State plan which has been approved under this Act.

(b) CONTENTS.—The State plan shall include—

(1) the voter registration form to be used for mail registration;

(2) provisions to allow for the widespread distribution of such registration forms, including provisions for access to registration forms to individuals or organizations requesting them;

(3) election day registration of voters;

(4) voter registration in Federal, State, county, and municipal agencies which serve the public directly and at any private agency which voluntarily agrees to register voters;

(5) provisions for the prompt notification of registration acceptance;

(6) provisions to provide registrants with information on voting places and times;

(7) registration confirmation to insure accurate, inclusive, and uniform voter registration lists;

(8) provisions for procedures and basis for registration challenges; and

(9) a description of State efforts to actively increase voter registration.

SEC. 5. MAIL REGISTRATION, CONFIRMATION, AND ELECTION-DAY CHALLENGES.

(a) DEVELOPMENT OF FORM.—The chief State election official of each State shall develop and submit to the Federal Election Commission for its approval a voter registration form which allows for the registration of voters in person or by mail. Such form may be similar to or identical with the official postcard application form prescribed under section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)), and shall—

(1) require the signature of the individual who is registering to vote;

(2) provide for Federally postage paid return delivery of the completed form to the appropriate State or local election official;

(3) require such data as will enable the appropriate State or local election official to identify and assess the eligibility of an individual applying to register in order to minimize or prevent fraudulent registrations;

(4) include a statement of penalties provided by law for attempting fraudulently to register under this Act;

(5) comply with the Voting Rights Act of 1965 (42 U.S.C. 1973aa et seq.); and

(6) contain any other matter or information that the Commission deems appropriate to carry out this Act.

(b) YEAR-ROUND REGISTRATION.—Notwithstanding any other provision of law, all Federal, State, county, and municipal agencies and any private agency that voluntarily agrees to register voters shall, during the entire year, offer nonpartisan voter registration services, including distributing voter registration forms, answering questions, assisting in completing such forms, and collecting and forwarding completed registration forms to the proper local election officials.

(c) AVAILABILITY OF FORMS.—State and local election officials shall provide for the preparation of sufficient quantities of registration forms to accommodate an individual, group, or organization requesting such forms for the purpose of conducting or participating in a voter registration program.

(d) CONFIRMATION OF REGISTRATION.—The chief State election official of each State shall establish a program to confirm the registration of voters of such State. Such a program shall include—

(1) automatic notification systems whereby State and municipal agencies which, in the regular course of business, receive information about deaths, and the United States Postal Service which, in the regular course of business, receives information about changes of address, shall provide such information to the appropriate election officials;

(2) provisions assuring that no voter will be removed from the list of eligible registered voters unless such voter has—

(A) died;

(B) moved, more than 30 days previously, from the voting jurisdiction which maintains the voter registration list for the place in which the voter was previously registered;

(C) been convicted of a criminal offense which, under State law, results in the denial of the right to vote, and all appeals have been exhausted;

(D) been institutionalized for mental incapacity which, under State law, results in the denial of the right to vote; or

(E) requested that their name be removed from the voter registration list; and

(3) provisions whereby the voter registration list shall be comprised of—

(A) eligible voters;

(B) with special notation, individuals whose registration cannot be confirmed and whose eligibility may be challenged on election day; and

(C) with special notation, individuals who have been removed from the list of eligible voters not more than 4 years before the date of the election.

(e) ELECTION-DAY CHALLENGES.—(1) All challenges to the qualifications of voters shall be made by election officials, challengers, or poll watchers, as provided by State law. The reasons for the challenge shall be those provided in the approved State plan and shall be clearly posted by local election officials using uniform State forms at each polling place.

(2) Challenged individuals who have sufficient documentation, such as a driver's license, proof of residence, or other means established by the chief State election official, shall be allowed to vote as if previously registered and no challenge shall be made unless the person being challenged is made fully aware by local election officials of all procedures by which the registration may be verified.

(3) Challenged individuals who do not have sufficient documentation shall be allowed to vote at their polling place by affidavit ballot in such a form that their vote remains secret.

(4) As used in this section, the term "affidavit ballot" means a document or set of documents including—

(A) a statement, made under penalty of perjury as provided by the applicable State or Federal law, signed by the affiant—

(i) certifying that the affiant is qualified to vote in that election;

(ii) providing the address for which the affiant was most recently registered to vote; and

(iii) providing the affiant's current residence address; and

(B) a ballot for the appropriate election—

(i) which will be separated from the statement described in subparagraph (A) once the voter qualifications have been determined as prescribed in subsection (d);

(ii) which contains no information by which the identity of the voter may be determined; and

(iii) which is designed and handled in such a way as to preserve the complete security of the ballot.

(5) Challenges to voters shall be recorded in writing by election officials who shall inform challenged voters of the reasons for the challenges and of their right to vote an affidavit ballot. The validity of the challenge shall be determined within 10 days after the polls close and those persons eligible to vote shall have their votes added to the official tally.

(6) Where a voter's eligibility is affirmed, the voter's name shall be added to the registration list for the appropriate jurisdiction.

(f) EXEMPTIONS FOR STATES.—(1) The Commission may provide by regulation that this section shall not apply to any State which—

(A) provides for voter registration procedures which meet or exceed the standards set forth in section 4(b) and any rules or regulations prescribed by the Commission, and for purposes of this Act—

(i) a provision shall be deemed to exceed a provision set forth in section 4(b) if its substance is more apt to result in the registration of citizens to vote in elections for Federal office than the national standard; and

(ii) a provision shall be deemed to meet a provision set forth in section 4(b) if its substance is the same as, or the equivalent of, the corresponding national standard;

(B) does not require voter registration; or

(C) adopts the Federal postcard application form prescribed under section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)) and provides for election day registration in the manner specified in section 6.

SEC. 6. ELECTION DAY REGISTRATION.

(a) IN GENERAL.—(1) Each State and unit of general local government shall permit any individual who is eligible to register to vote in any election for Federal office under the laws of the State involved, or under any applicable Federal law, to register and vote on the date of the election involved at the appropriate polling place.

(2) For purposes of this section, the appropriate polling place is the polling place at which such individual would have been permitted to vote if such individual registered to vote before the date of such election.

(3) Notwithstanding paragraph (2), if a registered individual has changed residence by moving to a different State within 30 days before such election, and because of

such change in residence is not eligible to vote at the polling place for such new residence but is otherwise eligible to vote, such individual shall be allowed to vote at such new polling place.

(4) Each State and unit of general local government shall maintain and maximize efforts to encourage registration by individuals before the date on which an election for Federal office is held.

(b) ESTABLISHMENT OF VOTER IDENTITY.—(1) Any individual who registers to vote at a polling place on the date of any election for Federal office in accordance with subsection (a) shall establish such individual's identity, place of residence, and qualifications at the time of such registration—

(A) by completing a voter registration form; and

(B) by submitting either—

(i) a form or forms of identification, which have been approved by the Commission, establishing the identity and place of residence of such individual; or

(ii) an affidavit in a form which has been approved by the Commission and which includes on its face a summary of the penalties under section 12 and by any applicable State law, attesting to the identity and place of residence of the individual desiring to register to vote under this section, which is executed by a person who (I) has registered to vote at the polling place involved on a previous date, (II) is present at such polling place with such individual, and (III) has personal knowledge of the actual residence of the individual seeking to register to vote.

The requirement of the submission of such an affidavit shall not be considered to be a test or device within the meaning of the Voting Rights Act of 1965 (42 U.S.C. 1973aa et seq.).

(2) A State or unit of general local government may require an individual to submit more than one form of identification under paragraph (1)(B)(i) only if the identification submitted by such individual does not contain both the identity and place of residence of that individual.

(3) The effective period of any registration made by any individual under subsection (a) may not be less than the effective period applicable to any registration made by any other method or procedure which is permitted by the State or unit of general local government involved.

(4)(A)(i) Each State and unit of general local government shall provide at each polling place a means of processing individuals registering to vote, as provided in this section, separately from individuals voting at such polling place who registered to vote before the date of the election involved. Such means shall be conspicuously publicized inside and outside each polling place on election day.

(ii) The ballots of those registering on election day shall be kept separate from those previously registered and voting, until such time, not to exceed 10 days, as the registration of each such person voting on election day at such polling place has been checked and it is determined that all such votes have been cast properly by qualified registrants, or the votes not properly cast have been identified and separated. All necessary precautions shall be taken to assure that all ballots and votes remain secret.

(B) The Commission may, upon application or by general rule or regulation, exempt any State or unit of general local government from the application of subparagraph (A) with respect to any polling place at which the Commission considers the separate processing required by such subparagraph to be impracticable or unnecessary.

(C) All individuals who register on election day shall be mailed a nonforwardable registration verification card. Cards which are returned as nondeliverable shall be forwarded to election officials for inquiry. Such officials shall forward a case to the appropriate United States Attorney if such officials determine that the returned card is not a result of misdelivery or clerical or similar error and the case cannot be otherwise be resolved.

SEC. 7. RESPONSIBILITY OF THE FEDERAL ELECTION COMMISSION.

(a) ADMINISTRATION OF ACT.—The Federal Election Commission is authorized to administer this Act and to make such rules, regulations, and orders as it deems necessary or appropriate for the efficient and expeditious administration of this Act.

(b) ADVICE AND TECHNICAL ASSISTANCE.—The Commission shall provide advice and technical assistance to States in developing voter registration plans and in establishing and maintaining voter registration systems in accordance with national voter registration standards.

(c) REPORT.—The Commission shall report to the Congress every 2 years on—

(1) the effectiveness of efforts to establish and maintain voter registration procedures that broaden the American electorate;

(2) the administration of voter registration programs; and

(3) recommendations to the Congress on action regarding national voter registration standards.

(d) JUDICIAL REVIEW OF ORDERS.—Any order of the Commission under this Act shall be reviewable, by the United States court of appeals for the circuit in which the State involved is located, on the filing of a petition by any aggrieved person. The appellee shall not be liable for costs in such court.

(e) ASSISTANCE TO STATES.—The Commission shall make grants to the chief State election official of each State in order to assist States and units of general local government in establishing voter registration programs under this Act after such State has a plan approved by the Commission. Such grants shall be made in a manner designed to facilitate the establishment of such programs for use in the first general election for Federal office held after the date of the approval of the State plan and in each applicable election thereafter. Such grants shall be made to enable and encourage States to computerize voter registration lists and to undertake alternative methods of voter registration, including—

(1) door-to-door registration; and

(2) voter registration accomplished simultaneously with an application for a driver's license and other human services in the State.

(f) ADVISORY COUNCIL.—The Commission may establish an advisory council of State and local election officials to advise States about voter registration systems.

(g) ALLOCATION OF FUNDS.—Except as provided in subsection (h), in submitting voter registration programs to the Commission, each State desiring funds also shall submit a request for funds to implement such programs, including a description of the intended uses of such funds. The Commission shall develop a formula for the allocation of funds to the States and shall allocate funds to the States. In allocating funds, the Commission shall take into account the voting age population of the State, as established by the current population survey of the Bureau of the Census, the percentage of registered voters in the State, and the current voter registration programs in the State.

(h) REALLOCATION.—If the Commission determines that any amount made available to a State will not be required by that State or that a program proposed by a State does not qualify under this Act, the amount not used shall be available for reallocation as determined by the Commission, except that the Commission shall deposit in the Treasury, as miscellaneous receipts, any amount that is unused at the end of the fiscal year for which such amount was appropriated.

SEC. 8. STATE ADMINISTRATION OF GRANTS.

(a) REPORTS.—The chief State election official of each State shall administer grants made to that State under this Act and shall make such reports with respect to grants as the Commission may prescribe by regulation.

(b) ALLOCATION TO SUB-UNITS.—Each State may allocate any part of a grant under this Act to a city, county, or other political subdivision of such State if such subdivision conducts voter registration.

SEC. 9. FEDERAL CLEARANCE.

(a) SUBMISSION OF STATE PLAN.—(1) Within 2 years after the date of enactment of this Act the chief State election official of each State shall submit to the Commission for its approval a State plan for voter registration. Such plan shall be submitted in accordance with this Act and shall contain the national standards set forth in this Act.

(2) Nothing in this subsection shall be construed to affect any procedures required by the Voting Rights Act of 1965 (42 U.S.C. 1973aa et seq.) and any preclearance or other requirement of such Act shall be complied with prior to the submission of such State plan to the Commission under this subsection.

(b) DECISION BY COMMISSION.—The Commission shall, within 120 days after the date required for submission of a plan under subsection (a), approve or disapprove such plan or portion thereof. The Commission shall approve such plan if it determines that it was adopted after reasonable notice and hearing and includes provisions which meet or exceed the substance of each provision set forth in section 4(b).

(c) APPLICATION OF PLAN.—Once the State plan has been approved by the Commission, such plan shall apply to the first general election for Federal office following approval, and to all elections for Federal office thereafter.

(d) CHANGES IN PLAN TO BE APPROVED.—Any change to a State's voter registration plan after the plan has been approved by the Commission shall be submitted to the Commission for approval.

SEC. 10. COMMISSION ENFORCEMENT.

The Commission shall, after consideration of any State hearing record, prepare and publish proposed regulations, within 120 days, setting forth an implementation plan, or portion thereof, for a State if—

(1) the State fails to submit a State plan for voter registration, pursuant to section 9(a), which meets the requirements of this Act; or

(2) the plan, or any portion thereof, submitted for such State is determined by the Commission not to be in accordance with the requirements of this Act or any rules or regulations prescribed by the Commission

and such State fails, within 90 days after notification by the Commission, to revise a State plan for voter registration as required by the Commission.

SEC. 11. FEDERAL ENFORCEMENT PROCEDURES.

(a) NOTIFICATION.—Whenever, on the basis of any information available to it, the Commission determines that any person, State or other governmental body is in substantial violation of any requirement of a voter registration plan, the Commission shall notify such person, State or governmental body, and the State in which the plan applies, of such finding. If such violation extends beyond the 30th day after the date of the notification, the Commission shall—

(1) issue an order requiring such person, State or governmental body to comply with the requirements of such plan; or

(2) bring a civil action in accordance with subsection (b).

(b) COMMISSION'S CIVIL ACTION.—The Commission may commence a civil action for a permanent or temporary injunction against any person, State or other governmental body that—

(1) violates or fails or refuses to comply with any order issued under subsection (a) of this section; or

(2) violates any requirement of a voter registration plan more than 60 days after being notified by the Commission under subsection (a)(1) of a finding that such person, State or body is violating such requirement.

Any action under this subsection may be brought in the district court of the United States for the district in which the violation occurred or in which the defendant resides, and such court shall have jurisdiction to restrain such violation, to require compliance, and to assess a civil penalty.

(c) PREVENTIVE RELIEF.—Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by this section, the Attorney General or any aggrieved person may institute an action for preventive relief, including an application for a temporary or permanent injunction, or a restraining order.

(d) ACTIONS BY GOVERNMENTAL BODIES.—(1) Except as otherwise provided in subsection (c), an aggrieved person may commence a civil action—

(A) against any person, including the United States or any State, or other governmental instrumentality, who is alleged to be in violation of a voter registration plan or the national standards as set forth in section 4(b);

(B) against the Commission where there is alleged a failure of the Commission to perform any act or duty under this Act which is not discretionary with the Commission.

(2) The district courts shall have jurisdiction, without regard to the amount in controversy, to enforce such an approved State plan or national standard, or to order the Commission to perform such act or duty, as the case may be.

(e) LIMITATION ON COMMENCEMENT OF ACTION.—No action may be commenced—

(1) under subsection (d)(1)(A) of this section—

(A) before 60 days after the plaintiff has given notice of the violation (i) to the Commission, (ii) to the State in which the violation occurs, and (iii) to any alleged violator of the plan or national standard; or

(B) if the Commission or State has commenced a civil action to require compliance with the plan or standard, but is delinquent in prosecuting such action, the aggrieved person may intervene as a matter of right; or

(2) under subsection (d)(1)(B) of this section before 60 days after the plaintiff has given notice of such action to the Commission.

Notice under this section shall be given in such manner as the Commission shall prescribe by regulation.

(f) INTERVENTION BY COMMISSION.—In any action under this section, the Commission, if not a party, may intervene as a matter of right.

(g) ATTORNEY FEES.—(1) In any action or proceeding under this Act, the court shall allow any prevailing plaintiff (including an intervening plaintiff), other than the United States, a reasonable attorney fee, together with reasonable costs of litigation.

(2) Fees incurred in complying with the notice requirements of this section or in pursuing the vindication of rights protected under this Act through administrative proceedings, shall be recoverable by a prevailing party.

SEC. 12. PROHIBITIONS AND PENALTIES.

(a) FIRST OFFENSE.—Any person, including any election official, who knowingly and willfully—

(1) registers, or attempts to register to vote under this Act for the purpose of voting more than once in any election for Federal office;

(2) conspires with any person for the purpose of enabling such person to make false registration to vote in an election for Federal office or for the purpose of enabling or encouraging any individual to make such false registration to vote in an election for Federal office;

(3) falsifies any information for the purpose of establishing eligibility to register to vote under this Act;

(4) takes action which results in the improper removal of any voter from the list of eligible voters based on race, color, membership in a language minority, sex, religion, political affiliation, or for nonvoting; or

(5) intimidates, threatens, or coerces any person for (A) voting or attempting to vote, (B) urging or aiding any person to vote or to attempt to vote, or (C) exercising any right under this Act, or attempts to do so;

shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

(b) SECOND OR SUBSEQUENT CONVICTION.—In the case of any second or subsequent conviction under this section, the person convicted shall be fined in accordance with title 18, United States Code, or imprisoned not more than 10 years, or both.

SEC. 13. SAVINGS PROVISION.

Nothing in this Act shall be construed to restrict any right which any person may have under any statute, the common law, or the Constitution, to seek enforcement of any voter registration requirement or to challenge any voter registration requirement or plan, or to seek any other relief.

SEC. 14. DEFINITIONS.

As used in this Act, the term—

(1) "approved State plan" means a State plan for voter registration which has been approved by the Commission as in accordance with national standards established by this Act;

(2) "Commission" means the Federal Election Commission;

(3) "local election official" means the individual who exercises primary responsibility with respect to the registration of qualified voters in a unit of local government;

(4) "chief State election official" means the official, agency, or board of a State who exercises primary responsibility with respect to the registration of qualified voters or with respect to the conduct or supervision of any election for Federal office, or any election to a statewide office in such State, as certified to the Commission by such State;

(5) "election" has the meaning given that term in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431);

(6) "Federal office" has the meaning given that term in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431);

(7) "national standards" means the substance of all the provisions set forth in section 4;

(8) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States;

(9) "unit of general local government" means a city, county, town, parish, village, or other general-purpose political subdivision of a State; and

(10) "voter registration list" means the list of all voters registered and eligible to vote in an election for Federal office on the date of such election.

By Mr. NICKLES:

S. 2062. A bill to amend the Internal Revenue Code of 1986 to restore to State and local governments the right to purchase gasoline without payment of the Federal gasoline excise tax; to the Committee on Finance.

STATE AND LOCAL GOVERNMENT EXEMPTION REAFFIRMATION ACT

Mr. NICKLES. Mr. President, today I am introducing legislation which would relieve State and local government entities from an enormous burden imposed on them by the Tax Reform Act of 1986. This burden emanates from the Tax Reform Act requirement that State and local governments pay State and local gasoline excise tax at the front end, that is at the time of purchase. This is contrary to prior law which enabled these governmental entities to claim exemption from the tax at the time of purchase.

These State and local governments, after paying this tax, would have to apply for rebate by showing the IRS that they used the gasoline for their own exclusive needs. Rebates can be paid back to the State and local governments on a quarterly basis if the tax paid is over $1,000 a quarter. If not, the rebate would be paid back at the end of the year.

This paperwork burden alone is enough to rescind this ridiculous law, but what is even more absurd and unfair is that for all this extra work, State and local governments will receive no interest on the money that they float to the IRS. According to the National Association of Fleet Administrators, each governmental unit will pay an average of about $125,000 per year for this tax. In the meantime, they must absorb the economic strain

of having to do without these funds, and in some cases must seek loans from other sources to compensate for the revenue lost.

The cost created by this new rebate system will likely exceed any possible revenue benefits to the U.S. Treasury. We should not ask our already overburdened State and local governments to help fund the U.S. debt by participating in this scheme.

If you have not heard from your local cities and counties and States and universities, you will, because the net effect of this is, beginning January 1, they began paying Federal excise tax on gasoline for which they will eventually get a refund. But they are going to have to compile enormous amounts of paperwork.

In other words, for the city of Louisville, KY, the fire department is going to have to collect records of what they will have to pay in excise taxes; the police department will; the city mangers will; and eventually, they will get all that paperwork together, figure out how much gasoline tax they paid, and at the end of the year ask for a refund. I find that to be absurd.

We did not require payment of that tax before. It should be rescinded.

In my State of Oklahoma, the State government has estimated that they would pay a tax of $771,000 per year, which would have to be refunded. Oklahoma City, with a population of about 445,000, would end up paying a tax of about $145,000; and, every quarter would accumulate all of the records and then they would be refunded.

Smaller cities, such as Guymon, would end up paying a tax of $6,800, and they are going to have to have some clerk putting this all together file for a refund and eventually get the refund.

This is an unneeded tax, one that we should repeal; not impose this additional fiscal burden on the States, the cities, counties, the local governments.

I hope that my colleagues will join me in repealing this tax.

I know that many of my colleagues who went home during the recess heard from their farmers and ranchers about a tax very much along the same lines dealing with Federal excise tax on diesel fuel.

Beginning April 1 the IRS is requiring farmers and ranchers to pay that tax, and again at the end of the year they can file for a refund. I know that my colleagues are hearing about that. I hope that we will be successful in repealing both of these unwarranted provisions of the Tax Code.

Mr. President, I would like to ask unanimous consent to insert into the RECORD a table showing the impact of this tax on some Oklahoma cities and towns of various populations. I hope my colleagues will use this table to get some idea of how much their own cities and towns are paying.

Mr. President, I want to thank my colleagues again.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FEDERAL GAS TAX AND OKLAHOMA CITIES

City	Population	Gasoline consumption gallons	Gas tax at 9 cents per gallon
Oklahoma City	445,799	1,592,000	$144,872
Tulsa	360,919	1,742,072	158,528
Moore	40,239	150,000	13,500
Muskogee	40,011	329,670	30,000
Ponca City	28,616	143,000	12,870
Duncan	23,226	130,000	11,700
McAlester	18,418	100,000	9,000
The Village	11,983	62,000	5,580
Guymon	8,833	76,000	6,840
Grove	4,055	16,000	1,440
Total			

Source.—National League of Cities as part of "1987 Fiscal Conditions Survey" and cities of Oklahoma City, Tulsa and Muskogee.

By Mr. DURENBERGER:

S. 2063. A bill to amend the Internal Revenue Code of 1986 to provide that income of a child on investments attributed to the child's earned income shall not be taxed at the parents' rate of tax; to the Committee on Finance.

TAXATION OF INCOME EARNED BY CHILDREN UNDER 14 YEARS OF AGE

● Mr. DURENBERGER. Mr. President, I rise to introduce legislation that would correct an unfair penalty tax that is now being imposed on children under 14 years who have earned money from various types of work and then invested their earnings in a bank account, mutual fund, or in another investment.

Although the Tax Reform Act of 1986 sought to prevent wealthy parents from shifting taxable investment earnings from their high tax brackets to their children's lower brackets, the tax law has the unintended effect of penalizing children who have earned money and sought to invest that money to meet their future educational expenses.

Let me give you an example of how the tax law works to discourage children from saving their earings, and instead encourages them to spend what they earn. A recent edition of Money magazine features a story about one of my constitutents, 12-year-old Molly Montgomery of Edina, MN. For several years, Molly has been earning money as a child model. In 1987, she earned about $600 modeling and $1,050 in interest and dividends from investments derived solely from her past earnings.

Under the current tax rules, $500 of Molly's investment earnings are taxable at her 11 percent tax rate. The remaining $550 is taxed at her parents' 28 percent rate. Had her investments returned her $2,050 instead of $1,050, the result would be that $500 would have been taxed at her 11 percent rate, while $1,550 would have been taxed at her parents' 28 percent rate.

Mr. President, it just does not seem fair that when a young child goes out and learns the importance and dignity of work, and then decides to invest his or her earnings to meet future expenses, that the Federal Government has the right to penalize those investments by taxing a portion of those earnings at a level far higher than would ordinarily be justified.

The legislation I am introducing today would rectify this problem. It provides that a child's earnings from investments derived from the child's work would not be taxed at parents' tax rates. This legislation does not exempt children's investment earnings from tax. It merely makes a distinction between investment earnings derived from gifts and investment earnings derived from the child's own labor.

I ask unanimous consent that the bill I am introducing be included in the RECORD along with an article entitled "The Kiddy Tax Nips the Wrong Family."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PARENTS' TAX RATE NOT TO APPLY TO CHILD'S EARNINGS ON EARNED INCOME.

(a) IN GENERAL.—Clause (ii) of section 1(i)(4)(A) of the Internal Revenue Code of 1986 (defining net unearned income) is amended by striking out the period at the end thereof and inserting ", plus", and by adding at the end the following new subclause:

"(II) the portion of the gross income referred to in clause (i) attributable to a qualified segregated earned income asset."

(b) QUALIFIED SEGREGATED EARNED INCOME ASSET.—Section 1(i) of such Code (relating to certain unearned income of minor children taxed as if parent's income) is amended by adding at the end thereof the following new paragraph:

"(7) QUALIFIED SEGREGATED EARNED INCOME ASSET.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified segregated earned income asset' means any asset the entire amount of which is attributable to—

"(i) the earned income (as defined in section 911(d)(2)) of the child to whom this subsection applies, and

"(ii) income from assets meeting the requirements of clause (i).

"(B) IDENTIFICATION REQUIREMENTS.—An asset shall not be treated as a qualified segregated earned income asset unless such asset is identified as such an asset before the later of—

"(i) the due date (with extensions) for filing the return of the child's tax for the taxable year in which such asset was acquired, or

"(ii) the due date (with extensions) for filing the return of the child's tax for the child's first taxable year which begins after

December 31, 1987, and for which such a return was required.

"(C) ADDITIONS OR ACQUISITIONS MAY NOT EXCEED EARNED INCOME.—If the aggregate amount of acquisitions of, or additions to, qualified segregated earned income assets for any taxable year exceeds the earned income (as defined in section 911(d)(2)) of the child for such taxable year, paragraph (4)(A)(ii)(III) shall not apply to gross income attributable to such excess (or income on such income). For purposes of the preceding sentence, acquisitions or additions attributable to income described in subparagraph (A)(ii) shall not be taken into account."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1987.

THE KIDDIE TAX NIPS THE WRONG FAMILY

(By Andrea Rock)

Molly Montgomery has the kind of happy, freckled, raised-in-the-heartland face that rouses nostalgic visions of childhood and makes you almost swear you have seen her somewhere before. Odds are you have.

Like her four brothers and three sisters before her, 12-year-old Molly of Edina, Minn., a Minneapolis suburb, is saving money for college by working as a child model. You may have spotted her in a Sears poster, on a Trix cereal box, a Hi-C fruit drink label, or in scores of ads she has done since her debut at nine weeks of age.

But this year, for the first time, Molly will have to hand over a portion of her income to the Internal Revenue Service—some of it taxed at her parents' 28% rate, rather than at her own 11% rate. Like an estimated 250,000 other youngsters with earnings from jobs or investments, Molly is getting nicked by the new kiddie tax. This tax reform provision, expected to raise a rather piddling $60 million in 1987 compared with the $150 billion deficit, was designed to close a loophole that allowed wealthy parents to duck taxes on investment income by placing it in their children's names. Instead, say the Montgomerys and other parents, the kiddie tax discourages middle-class parents from setting aside even modest funds for their children's future, leaving the truly well-heeled free to use several other tax breaks. "This is just the latest example of how our tax policy stupidly discourages personal savings when it should do just the opposite," says Molly's father, Donald, a 54-year-old business consultant who recently completed his first novel, a suspense tale titled the Krasnodar Affair.

The kiddie tax was originally proposed by the Reagan Administration. MONEY sought comment from eight of the congressional leaders who enacted it, but no one wanted to be quoted. "Tax policy always takes in some people it wasn't intended to," observed an aide to Republican Senator Bob Packwood of Oregon. "No one will ever be fully happy."

Before tax reform, a child could earn $1,080 from interest, dividends or other investments each year tax-free—and any investment income above that was taxed at the child's rate. Now, a child under 14 can exclude from tax only $500 in investment income. The next $500 is taxed at the child's rate: 11% if his total 1987 taxable income is $1,800. But any investment income over $1,000 must be taxed at the parents' rate. Moreover, the parents must calculate their rate by including in their taxable income the child's investment earnings over $1,000 (see the Chalk Talk on page 64).

In a case like Molly's, where investment income is combined with wages, the tax situation gets even trickier. Normally, a child can exclude from tax up to $2,540 in job earnings simply by claiming the standard deduction. A child who makes that much or less solely from a job need not even file a return. But if a child under 14 has income from both a job and investments, the standard deduction—the amount excluded from tax—is limited to whichever of these two is higher: either the work earnings up to $2,540 or income from all sources up to $500. (After age 14, income of any type above $500 is taxed at the child's rate.)

Consider how the kiddie tax affects Molly: In 1987 she earned about $600 modeling, and $1,050 in interest and dividends from $10,250 of past job earnings invested in utility stocks, bonds and bank money-market and savings accounts. Under the new law, her standard deduction is set by her job earnings: $600. She may use $500 of that to offset investment income and the remaining $100 as a deduction against her modeling fees. That brings her taxable job earnings down to $500, subject to her 11% levy. Her investment earnings become $550, of which $500 is taxed at 11% and the rest at her parents' 28% rate. Molly therefore owes $124 in federal tax—a modest bite, to be sure, but significant considering the paperwork and the fact that she did not even have to file a return last year.

"No matter what gyrations you go through, the bottom line is that any dependent with more than $500 in unearned income (interest, dividends or other investment earnings) is going to owe tax, and that means a lot of kids who have never paid taxes are going to start now," says Dudley Ryan, director of tax services at Larson Allen Weishair & Co. in Minneapolis.

HOW TO CUT HER TAXES

At MONEY's request, Ryan reviewed Molly's finances with an eye toward reducing the 1988 tax burden for her and others in similar situations. The first consideration: Would investments that pay tax-deferred income, such as municipal bonds, offer more attractive after-tax yields? The main elements of Molly's portfolio are a 100-share block of Ohio Edison preferred stock (worth $3,900 in early January) paying an annual dividend of $3.92 a share and about $4,000 worth of Ryland Acceptance Corp. debt issues the mature in 2013 and yield 12.25% annually.

Ryan advises Molly to keep both. The kiddie tax would knock 1.35 percentage points off the yield of the Ryland issues. But their after-tax yield of nearly 11% is still better than the current average 7.9% yield in the muni market. She should hold on to Ohio Edison because its yield is pretty good, and she would have to pay capital-gains tax on sale of the stock.

Molly should also transfer the $2,500 she now keeps split between a bank money-market account and a savings account to a tax-deferred investment. That would reduce her taxable investment income by about $150 eliminating the portion subject to her parents' bracket.

Making that switch early last year would have saved her a small but consoling $20 in 1987 taxes. But her savings next year from making the move now will be offset by the fact that the 11% minimum tax is going up to 15% in 1988. Result: Molly would pay about $165 in taxes next year, assuming her other income remains the same.

What galls the Montgomerys is that tax-saving options are more numerous for relatively well-to-do parents—the ones the kiddie tax was aimed at. Each parent can still give a child $10,000 annually without paying a gift tax. The simplest way is to set up a custodial account under the Uniform Gifts to Minor Act or the Uniform Transfers to Minors Act; the catch is that UGMA and UTMA investment income is now subject to the kiddie tax.

SET UP A TRUST ACCOUNT

A more sophisticated way to avoid taxes is to have an attorney set up an irrevocable trust—either a minor's trust or a Crummey trust. But neither option makes sense unless the account approaches $50,000 or so. For smaller accounts, the legal and tax reporting fees may outweigh any savings.

In a minor trust, also known as a 2503(c) trust, the trustee—typically a parent—controls the income and principal until the child turns 21. The trust can be structured so that if the child does not demand the assets within two to three months after that, the principal remains in trust for as long as the trustee desires while its income is distributed annually to the child. The tax allure is that the first $5,000 of income is taxed at only 15%. Amounts above that are subject to a 28% levy.

The Crummey offers the same tax benefits as a minor's trust and operates much the same way, except that the child cannot take over the funds at age 21. Instead, the child is limited to yearly withdrawals of an amount set by the trustee, who remains in control of the trust until he dissolves it.

Neither escape route is suitable for Molly, of course, since her savings total is far less than $50,000. That fact leaves her parents steaming. "The lesson this kiddie tax teaches kids is that if you work hard and put your money away for the future. Uncle Sam is going to grab it," says her mother, Donna, 52, also an author (*Surviving Motherhood*) and business manager to her eight children, ages 12 to 27.

Molly, on the other hand, takes the injustice in stride. She's more interested in the lessons she's taking from a former Bolshoi Ballet dancer and the possibility that her past earnings may help launch her dance career. Then, barring further IRS ambushes. Molly may charm us from a stage, rather than just from a cereal box.●

By Mr. HEINZ (for himself and Mr. SPECTER):

S. 2065. A bill to recognize the organization known as the "Veterans of the Vietnam War, Inc."; to the Committee on the Judiciary.

VETERANS OF THE VIETNAM WAR, INC.

● Mr. HEINZ. Mr. President, Congress has, for excellent reasons, granted Federal charters to a number of veterans service organizations. At this time I rise to introduce legislation granting a Federal charter to a very worthy organization—Veterans of the Vietnam War, Inc.—an organization dedicated to not only the needs of the Vietnam-era veteran, but also the needs of the veterans community as a whole.

Veterans of the Vietnam War, Inc., is based in Wilkes-Barre, PA, with chapters throughout the country. When I introduced a similar bill in February 1986, VVW had a membership of 15,000. Today, that membership has doubled to approximately

30,000 members in over 150 chapters. Since the granting of their charter under the laws of the Commonwealth of Pennsylvania 8 years ago, VVW has consistently acted to benefit our Nation's veterans.

Veterans of the Vietnam War, Inc., currently provides services such as counseling and job placement assistance to veterans. They have been very active in the areas of disability and compensation claims, and have provided representation for veterans before appeals boards. In addition, VVW is at the forefront in working to assist our Nation's Vietnam-era veterans in such critical areas as agent orange-related illnesses, post-traumatic stress, and support for those with loved ones still missing in Southeast Asia.

I would like to emphasize that VVW is far more than a regional organization. Veterans of the Vietnam War, Inc., has posts throughout the United States. In providing VVW with a Federal charter, its role as a truly national entity will be increased. Use of VA offices as well as participation in forums limited to chartered organizations would be among the benefits of receiving a Federal charter. More importantly, however, VVW would receive the recognition it has earned in years of service to America's veterans.

The granting of a charter, therefore, is an effective way of enhancing VVW's support of our Nation's veterans.

Mr. President, I ask unanimous consent that this legislation granting VVW, Inc., a Federal charter appear in the RECORD at the conclusion of my remarks. I urge my colleagues to join in cosponsoring the measure.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2065

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

GRANT OF CHARTER

SECTION 1. Veterans of the Vietnam War, Inc., organized and incorporated under the laws of the Commonwealth of Pennsylvania, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. Veterans of the Vietnam War, Inc. (hereafter in this Act referred to as the "corporation"), shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those provided in its articles of incorporation including—

(1) to support and promote the Constitution of the United States;

(2) to better the condition and benefits of all veterans and their heirs; and

(3) to advance the health, welfare, social, charitable, and educational opportunities of its members and to ensure justice for all.

MEMBERSHIP

SEC. 4. Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 5. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 6. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

SEC. 7. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(f) The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the Commonwealth of Pennsylvania.

LIABILITY

SEC. 8. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

SERVICE OF PROCESS

SEC. 9. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right of vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(74) Veterans of the Vietnam War, Inc.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954.

TERMINATION

SEC. 16. If the corporation fails to comply with any of the restrictions or other provisions of this Act, the charter granted by this Act shall expire.●

By Mr. ROTH:

S. 2066. A bill relating to the ocean dumping of municipal sludge; referred to the Committee on Environment and Public Works.

OCEAN DUMPING LEGISLATION

● Mr. ROTH. Mr. President, I rise today to introduce legislation which takes a reasonable approach to the termination of ocean dumping. The manner that I propose is quite similar to the manner which the Environmental Protection Agency in region III used to get the cities of Camden, NJ, and Philadelphia, PA, to phase out their ocean dumping. I think it is time that the Congress puts its foot down for once and for all and tells those communities that the ocean is not a cesspool of unlimited proportions, where we can dump our sewage sludge and think that the problem that man creates will go away and will take care of itself.

In brief, this legislation calls for a complete ban on dumping to be imposed by the end of this year. The ban is not as strict as this may sound because the Administrator of the EPA can renew the permit for up to 5 years. This will only occur if a community that is currently dumping and the EPA can come up with an agreement, a system design and a schedule—by the end of this year—which describes how the town is going to stop dumping, and what alternatives they will

use. Because this proposal will guarantee the implementation of the ocean dumping alternative, within preestablished guidelines, we can be confident that ocean dumping will be terminated.

To encourage compliance with the law, we will fine those towns that do not work with the EPA to come up with an alternative plan, as well as those towns that do not meet the compliance dates in a reasonable fashion. These staff fines will not be less than $5,000 and not more than $10,000 per wet-ton dumped. All fines will be placed into a newly created "clean oceans fund," which can then distribute the money to the EPA and NOAA for enforcement, monitoring, and research activities related to ocean dumping.

The legislation is identical to Congresswoman CLAUDINE SCHNEIDER'S House legislation, H.R. 3938. Both of us have been working on this bill together for quite some time.

I do not make accusations lightly, but I find it quite perturbing when cities like New York say they cannot find alternatives to dumping in the ocean when Philadelphia, PA, and Camden, NJ, and Glen Cove, NY, a neighbor of New York City and all former ocean dumping culprits, have found alternatives. These cities and region III of the EPA should be commended.

Because I am concerned that our continuation of ocean dumping may create ecological imbalances which are leading to changes in our food chains, I have come to the conclusion that it is in the best interest of the United States to get out of this bad habit. The longer dumping is allowed to continue, the more we hurt ourselves and our future.

Dumping began in our inland rivers and they were ruined. Then it spread to our estuaries and they were ruined. Then to the bights, and they were ruined. And now more than 100 miles offshore, and hundreds of dead white sided dolphins have already washed up. In the period of November 26, 1987, through January 28, 1988, 21 dead whales—and this is a conservative number—have washed up on our shores. Our fish markets are handling less fish. Soon we will not be able to eat our bluefish and stripers anymore. We have already had a public health advisory on the consumption of mackerel. And last but not least, we had a red tide take place in the inland bays of Delaware—something that has never happened before.

Though we cannot prove that the dumping caused the dolphins' deaths, we do know that they had all come from the New York Bight. Though we cannot prove that the reduced fish handling at our markets is due to the possible contamination of the fish, we can be sure that it does not help the matter. We know that the whales died a rapid respiratory arrest when their lungs stopped working. They often were feeding on mackerel. We also know that the mackerel had concentrations of the biotoxins in their liver and flesh. Mr. President, I know much of what I am telling you are scientific hypotheses. So is the weather forecast and we all carry umbrellas. We must prepare with the knowledge we have. And we cannot allow this activity to continue. Now is the time to end ocean dumping once and for all. The U.S. Senate has an interest to make sure it is done properly and in a speedy fashion.

My legislation will accomplish this goal. I urge my colleagues to study this bill and lend me their support. I ask that it be printed in the RECORD in its entirety.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2066

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 104A(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1414a(b)) is amended to read as follows:

"(b)(1) As used in this subsection—

"(A) The term 'approved site' means—

"(i) the site designated under section 102(c) and known as the '106-Mile Ocean Waste Dump Site' (as described in 49 F.R. 18005); or

"(ii) any other site that may be designated under section 102(c) after the date of the enactment of this subparagraph as an alternative to the 106-Mile Ocean Waste Dump Site for the dumping of municipal sludge.

"(B) The term 'effective period' means the period of time specified in a permit during which the dumping, or transportation for the purposes of dumping, of material into ocean waters is permitted.

"(C) The term 'municipal sludge' means solid, semisolid, or liquid waste generated by—

"(i) a waste water treatment plant of any sewerage authority or other unit of State or local government; or

"(ii) any privately-owned or operated waste water treatment plant which treats predominantly domestic sewage;

whether or not such waste may unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, and economic potential.

"(2) Except as provided in paragraphs (3), (4), and (5), after December 31, 1988, the dumping, or the transportation for the purposes of dumping, into ocean waters of—

"(A) municipal sludge; or

"(B) any other form of sewage sludge, whether or not such sludge may unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, and economic potential;

is prohibited.

"(3) The Administrator may issue or renew permits under this title which authorize eligible authorities within the meaning of subsection (a)(1)(C), to dump, or to transport for the purposes of dumping, municipal sludge at the approved site.

"(4) No permit issued or renewed for an eligible authority under paragraph (3) may have an effective period that extends past December 31, 1988, unless before that date the eligible authority and the Administrator enter into a compliance agreement or within 30 days after that date the eligible authority and the Administrator enter into a court ordered consent decree incorporating such a compliance agreement that contains the following:

"(A) A plan of the eligible authority that will, in the opinion of the Administrator, if adhered to in good faith result in the design, construction, and placing in full operation, not later than the 5th anniversary of the date on which the compliance agreement is entered into, of a system (hereinafter in this subsection referred to as the 'alternate system') for the disposal of the municipal sludge of the eligible authority other than by dumping into ocean waters.

"(B) A schedule that, in the opinion of the Administrator, specifies reasonable dates by which the eligible authority must complete the various activities that are necessary for the timely implementation of the alternate system under the plan. The activities for which scheduling under this subparagraph is required include, in addition to such other activities that the Administrator considers necessary or appropriate—

"(i) the determination of the kind of alternate system that will be implemented;

"(ii) the preparation of engineering designs and related specifications;

"(iii) compliance with appropriate Federal, State, and local regulatory requirements;

"(iv) site and equipment acquisitions;

"(v) construction, testing, and shake-down operations; and

"(vi) operation at full capacity.

"(5) If a compliance agreement is entered into under paragraph (4) before January 1, 1989, the Administrator shall extend the effective period of the permit issued or renewed for the eligible authority under paragraph (3) until the earlier of—

"(A) the 5th anniversary of the date on which the compliance agreement was entered into; or

"(B) the date on which the alternate system is scheduled under the agreement to commence full operation.

"(6)(A) During the extended effective period of a permit under paragraph (5), it is unlawful for the eligible authority to dump, or to transport for the purposes of dumping, municipal sludge at the approved site unless—

"(i) the eligible authority first notifies the Administrator of its intent to carry out such dumping or transportation; and

"(ii) the Administrator determines that the eligible authority is, at the time of notification under subparagraph (A), fully in compliance with the schedule included in the compliance agreement under paragraph (4)(B).

"(B) The Administrator may treat the substantial compliance of an eligible authority with the schedule included in the compliance agreement as being full compliance, for purposes of subparagraph (A)(ii), if the eligible authority can show that circumstances beyond the control of the authority resulted in only substantial compliance being achieved.

"(C) The Administrator shall make biannual reports to the Congress regarding the extent of compliance by eligible authorities

with compliance agreements entered into under paragraph (4).

"(D) Clauses (i) and (ii) of subparagraph (A) are in addition to any other prohibition, limitation, or condition that may be imposed on eligible authorities under this title, or under regulations issued under the authority of this title, with respect to the dumping of, or transportation for the purposes of dumping, municipal sludge into ocean waters.

"(7) In lieu of the maximum $50,000 civil penalty provided for under section 105(a), any person that—

"(A) violates paragraph (6)(A) (i) or (ii); or

"(B) dumps, or transports for the purposes of dumping, municipal sludge into ocean waters at a site other than the approved site;

shall be liable for a civil penalty, to be assessed by the Administrator in accordance with section 105, of not less than $5,000, and not more than $10,000, for each wet ton of municipal sludge that is dumped, or transported for purposes of being dumped, into ocean waters.

"(8)(A) There is established in the Treasury of the United States the Clean Oceans Fund.

"(B) There is appropriated to the Clean Oceans Fund moneys in an amount equal to the civil penalties collected by the Administration for violation of paragraph (6)(A) (i) or (ii) or (6)(B).

"(C) The moneys in the Fund shall be available, to the extent provided for in advance in appropriation Acts, for expenditure by—

"(i) the Administrator for carrying out monitoring and enforcement functions under this title; and

"(ii) the Secretary of Commerce for carrying out monitoring and research under section 201.

The moneys received under this subparagraph shall be treated as being supplemental to, and not in lieu of, any other funding that is authorized or appropriated for the purposes referred to in clauses (i) and (ii).".●

By Mr. CONRAD (for himself and Mr. BURDICK):

S. 2067. A bill to amend the Internal Revenue Code of 1986 to permit farmers to produce tax-free certain fuels for farm use, and for other purposes; to the Committee on Finance.

FARMER FUEL TAX RELIEF ACT

● Mr. CONRAD. Mr. President, today I am introducing legislation to provide farmers with a clear exemption to Federal diesel and gasoline excise taxes on fuel they purchase for off-road use.

A provision of the budget reconciliation bill enacted last December will inadvertently cause considerable inconvenience and financial hardship for farmers across the country. In an effort to curb evasion of fuel excise taxes—a significant problem in urban areas, the collection point for the Federal excise tax on diesel fuel was shifted from the retail level to the refinery. The diesel provision paralleled a section of the 1986 tax law which similarly changed the collection point for the gasoline tax.

Federal fuel excise taxes pay for our highways. The law has consistently granted farmers an exemption from these taxes for fuel purchased for their tractors and other off-road vehicles. Neither the budget reconciliation legislation nor the 1986 act removed this exemption for farmers. But as a result of shifting the collection of the taxes to the wholesaler, farmers will have to pay the Federal diesel taxes up front when they purchase fuel and then apply for a refund later.

I believe this requirement poses considerable difficulties for farmers—and that it can be changed without undermining the effort to improve collection of these excise taxes. Farmers are not the ones evading the taxes, and because they're entitled to refunds on the fuel taxes which relate to nonhighway operations, restoring the full exemption should not cause much loss of revenue.

The diesel tax provision will take effect on April 1 of this year.

The bill I am introducing today is a companion to legislation introduced by Representatives DORGAN and DAUB on January 25. I urge my colleagues on the tax-writing committees to address this matter promptly, so that the problem can be corrected before this provision goes into effect.●

By Mr. MITCHELL (for himself, Mr. CHAFEE, Mr. BENTSEN, Mr. JOHNSTON, Mr. INOUYE, Mr. MOYNIHAN, Mr. SANFORD, Mr. COHEN, Mr. LAUTENBERG, Mr. BRADLEY, Mr. D'AMATO, Mr. MATSUNAGA, Mr. WARNER, Mr. SARBANES, Ms. MIKULSKI, and Mr. GRAHAM):

S. 2068. A bill to amend the Marine Protection, Research and Sanctuaries Act to protect marine and near-shore coastal waters through establishment of regional marine research centers; to the Committee on Environment and Public Works.

MARINE RESEARCH ACT

● Mr. MITCHELL. Mr. President, today I am introducing legislation to protect our Nation's marine and coastal waters through increased scientific research and assessment.

The "Marine Research Act of 1988" amends the Marine Protection, Research and Sanctuaries Act to create 10 multistate, regional marine research centers around the country. These research centers will be made up of existing marine research institutions in each region and will provide an important regional focus for planning, coordinating, and conducting marine scientific research. This new critical focus is intended to complement existing Federal support for marine research and protection.

I am pleased that 15 of my colleagues are joining me in sponsoring this important legislation, including Senators CHAFEE, BENTSEN, JOHNSTON, INOUYE, MOYNIHAN, SANFORD, COHEN, LAUTENBERG, BRADLEY, D'AMATO, MATSUNAGA, WARNER, SARBANES, MIKULSKI, and GRAHAM.

The Nation's marine waters are vital and productive natural resources. Marine and near-shore coastal waters support extensive recreational and commercial activities. Commercial fisheries alone have an estimated value of over $5 billion annually. Maintenance and protection of the environmental quality of these waters is essential to their productivity.

The quality of our coastal waters has received increasing attention over the past several years. A number of major scientific reports have been issued recently, providing valuable new data on the health of the Nation's coastal waters.

In April 1987, the Office of Technology Assessment [OTA] issued a report titled "Wastes in the Marine Environment" that concluded the overall health of many of our estuaries and coastal waters "is declining or threatened."

The OTA report concluded that even full implementation and enforcement of existing regulations would not be sufficient to maintain or improve the health of these waters. The report states:

In the absence of additional measures to protect our marine waters, the next few decades will witness new or continued degradation in many estuaries and coastal waters around the country.

The report recognized that the different marine ecosystems must be better understood in order to evaluate the potential effects of proposed activities on marine waters and resources. It is important to understand the physical and chemical characteristics of the waters and the sediments, as well as the biological relationships. The report states:

More research needs to be conducted on changes over relatively large scales—for long periods of time and for entire ecological communities. While some marine waters have received adequate attention, other waterbodies have not, including some that * * * are now threatened.

Also last spring, the National Oceanic and Atmospheric Administration [NOAA] published the results of the first year of a national program to monitor toxic chemicals at 50 coastal and estuarine sites from Maine to Alaska.

While this report represents only 1 year of data, it provides some early indications of the magnitude of coastal contamination problems. Quoting the agency's summary of the report.

Initial results show a complex, varied picture of environmental quality around the Nation's coast. A number of sites revealed relatively high levels of toxic contaminants. For example, sediment concentrations of toxic trace metals, aromatic hydrocarbons, DDTs, PCBs and sewage-derived material

from northeastern Atlantic coast sites in Boston Harbor, Salem Harbor, and Raritan Bay are among the highest values measured nationally.

Concern for the quality of our coastal and marine waters has been reflected in the popular press. Most of us recall the coverage of the mysteries of dolphins dying off the Atlantic coast and the discovery of a 12 mile square dead zone in the Gulf of Mexico. And there has been extensive regional press coverage of coastal pollution issues, such as sewage dumping, and the efforts to clean up vital resources ranging from Chesapeake Bay to Puget Sound.

Many of the marine and coastal environmental issues were effectively summarized in a recent cover story report in Business Week magazine titled Troubled Waters. Mr. President, I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

The Congress has begun to respond to warnings about the quality of our marine waters.

At the beginning of this Congress, we passed amendments to the Clean Water Act establishing a National Estuaries Program at the Environmental Protection Agency [EPA]. The amendment authorizes establishment of management conferences to identify pollution problems in specific estuaries and develop response plans to clean up the problems. Management conferences are already underway in several areas including Puget Sound, Long Island Sound, and Albemarle/Pamlico Sounds.

In addition, a wide range of bills addressing coastal and marine issues have been introduced in this Congress. For example, bills to reduce plastic pollution in the oceans, to restore and protect wetlands and other resources in the Gulf of Mexico, to control the use of toxic boat paints, to ban ocean dumping, and to create a national oceans policy commission, were all introduced last session.

My home State of Maine especially shares this national concern for understanding and protecting our marine waters.

The Gulf of Maine is a resource of tremendous value to the State of Maine, both in economic terms, and as a rich, natural ecosystem. It is vitally important to the State's fishing industry. In 1986, total fisheries landings in Maine were about 166 million pounds, valued at over $108 million. The waters of the gulf also provide a variety of recreational opportunities and play a role in commerce and related industries.

Given the value of the Gulf of Maine, any threat to its enviromental health demands immediate attention. The recent NOAA report included tests from several sites along the coast of Maine and concluded:

Somewhat surprisingly, an otherwise "clean" reference site for the northeast region, Casco Bay, Maine, had a level of aromatic hydrocarbons in sediments that was the fourth highest nationally.

The presence of this known carcinogen in such elevated concentrations, in addition to other research results from the early 1980's, documenting high levels of trace metals and PCB's in Penobscot Bay and deeper regions of the Gulf of Maine, are early warning indicators of potential long-term risks.

In response to the growing evidence of threats to the environmental quality of the Gulf of Maine, I chaired a field hearing of the Senate Environmental Protection Subcommittee in Portland this past September. The purpose of that hearing was to learn more about the environmental conditions and trends in the gulf and the potential need for greater scientific research and monitoring efforts.

The general conclusion of the hearing was that the Gulf of Maine is still very clean, and does not face the serious marine pollution problems of many of our coastal waters. There also was agreement, however, that prevention of problems will require first-rate science and monitoring programs.

Witnesses at that hearing, including research scientists, representatives of the commerical fishing industry, and environmentalists, identified a need for expanded and strengthened marine research, looking at the entire ecosystem of the Gulf of Maine.

Witnesses suggested that, rather than calling on a Federal agency to come in and do a study, we should provide that research be managed at the regional level and be planned and conducted by the full range of existing, local research institutions.

And, witnesses at the hearing pointed to a need for reliable and sustained Federal assistance to supplement existing funding sources and to support the full range of marine research activities at the regional level.

Taking the suggestions of the witnesses at the Portland hearing, I started working with my colleagues in the Senate and with interested Federal agencies to develop legislation to respond to the need for expanded marine research.

In this effort, I discovered that the Gulf of Maine provides a useful example of conditions and research needs of the other coastal regions. I found strong support in many other parts of the country for expanding and strengthening marine research programs; for focusing research on an entire regional ecosystems; for allowing existing research institutions to manage the research; and for assuring sustained and reliable Federal assistance to support this effort.

The bill we are introducing today amends the Marine Protection, Research and Sanctuaries Act to provide general authority to establish multistate regional marine research centers. The basic objective of the marine research centers is to support and coordinate marine research at the regional level.

The centers will be made up of marine research institutions working in the region, including universities, States agencies, and private laboratories.

Each center is to develop a 3-year research plan which sets the goals and priorities for research and monitoring in the marine and near-shore coastal waters of the region.

Regional research plans can include marine research projects ranging from basic oceanographic research to more specific, applied research activities.

The centers will be eligible for basic support grants of $3 million per year. The bulk of this funding, at least $2.5 million, will be used directly by participating research organizations to carry out the research and related activities identified in the 3-year research plan. Centers may use up to $500,000 for activities including development of plans, sponsoring technical seminars, and publication of reports and studies.

The fishing community and other interested parties will participate in the development of plans through a formal Research Advisory Group.

The bill also provides authority for the regional centers to conduct baseline monitoring and assessment of marine environmental quality. The centers are to submit general reports to the State Governors and the public on trends and conditions in the region.

The bill identifies 10 marine regions around the country. The regions represent relatively distinct marine ecosystems and are based on biological and geographic divisions suggested by Federal agencies.

Regions identified in the bill include the Gulf of Maine, the Greater New York Bight, the Mid-Atlantic Bight, the South Atlantic Bight, the tropical region, the Gulf of Mexico, the southern California Bight, the North Pacific region, the Gulf of Alaska, and the Insular Pacific region.

The Federal Government would play a general, but limited, oversight role through a research coordination board. The Board is made up of interested Federal agencies and representative of each regional center.

A total authorization of $29.5 million is provided for each of 5 years. This figure includes $3 million for each region except the tropical region, which is eligible for $1.5 million, and $1 million to support the activities of the Federal Board.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill and copy of the bill be printed in the RECORD at the conclusion of my remarks.

I would like to offer several general observations on the goals and objectives of this legislation.

First, this bill is intended to strengthen our Marine Research Program, rather than add to our existing regulatory programs. I believe that, by improving our research program and building our knowledge of the marine environment, we will be taking a significant step toward protecting this resource and preventing the development of major, costly pollution problems.

Second, it is important to put this legislation in the context of our broader Marine Research Program. While we have growing evidence of threats to the enviornmental quality of marine resources, overall funding for marine research has declined by about one-third since 1982.

It is essential that we reverse the declines in marine research funding and assure that presently authorized programs operate effectively. In addition, if we are to keep pace with the growing threats to the marine environment, we must consider ways to expand and build on these existing programs where appropriate.

Third, a major objective of this legislation is improved planning and coordination of marine research projects. Improved planning will help avoid duplication of research, focus limited funds on the most crucial projects, and generally improve the effectiveness and efficiency of marine research efforts. In other words, this approach will help us get a "bigger bang for our buck."

Fourth, the bill calls for an increase in marine research at the multistate, regional level. Regional research institutions are an underutilized resource which have a great potential to make an increased contribution to marine research. Regional research centers can address issues common to an overall marine ecosystem. Regionally based research can contribute to development of badly needed baseline data on the marine environment which is beyond the reach of Federal agencies. And, regionally based research can be better tied into State and local agencies which can respond to pollution or related problems.

Finally, the research program proposed in this legislation will complement, not compete with, existing marine research programs. I want to specifically address coordination of this legislation with the Sea Grant Program and the National Estuaries Program.

I consider the Sea Grant Program to be an essential and fundamental program for understanding and assessing the quality of the marine environment. It is crucial that we continue to support this program and expand it as appropriate. And, under no circumstances should we fund new initiatives in marine research at the expense of the Sea Grant Program.

The regional research centers proposed in this legislation have different objectives than the Sea Grant Program in several ways. The regional centers will address research in an entire, multistate region, rather than a single State. The regional centers will involve a full range of research institutions, other than simply sea grant colleges. And, finally, the regional centers have a clear mandate to develop overall, long-range research plans and to coordinate research activities in a marine region.

This legislation also will complement projects under the National Estuaries Program at EPA, initiated last year under the Clean Water Act amendments. The regional centers address geographic areas which are much larger than the estuaries addressed in the Estuaries Program. The regional centers address research while the estuaries program has a broader mandate for management and pollution control. And, the regional centers address all areas of the coast, while the Estuaries Program focuses on water bodies which are already facing severe pollution problems.

I am confident that the regional approach I am proposing is reasonable, workable, and badly needed. I also believe that the legislation probably can be improved further. I look forward to working with my colleagues to explore ways to refine and strengthen the bill.

It is, above all, critical that we focus our efforts on the marine environment and begin the debate on how best to protect this resource.

In response to this need to understand and assess threats to the quality of the marine environment, the Subcommittee on Environmental Protection, which I chair, will hold a series of hearings on marine environmental issues over the next several months.

The first hearing, scheduled for February 18, will address issues relating to ocean dumping under title I of the Marine Protection, Research and Sanctuaries Act. This hearing will be held jointly with the Subcommittee on Superfund and Environmental Oversight, chaired by my colleague Senator LAUTENBERG. The hearing will focus on ocean disposal of sewage sludge off the New Jersey coast and related ocean disposal issues.

The second hearing will address the extent and seriousness of threats to the quality of the Nation's marine environment. The Environmental Protection Subcommittee will hear testimony from Federal agencies and other parties on the nature of marine environmental problems and possible steps to address these problems.

A final hearing will review the marine research legislation we are introducing today. The subcommittee will hear from the scientific community, Federal agencies, and other groups active in marine research issues at the national level.

In conclusion, Mr. President, there is growing evidence of threats to the quality of the marine environment. It is essential that we assess the seriousness and extent of this problem and consider appropriate response measures. An important first step in protecting the marine environment is to strengthen and expand marine research at the regional level. This effort is essential if we are to keep pace with the growing threats to marine environmental quality and assure that this resource is protected for future generations.

I hope my colleagues will join me in supporting this legislation and working to improve our understanding of our rich, diverse marine resources.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. (a) TITLE.—This Act may be cited as the "Marine Research Act of 1988."

(b) TABLE OF CONTENTS.—

AMENDMENTS TO THE MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT

SEC. 2. AMENDMENT.—The Marine Protection, Research and Sanctuaries Act is amended by adding at the end thereof the following new title:

"TITLE IV—REGIONAL MARINE RESEARCH CENTERS

"FINDINGS

"SEC. 401. FINDINGS.—The Congress finds that—

"(1) the Nation's marine and near-shore, coastal waters are a resource of tremendous value;

"(2) marine waters, including estuaries, are vital and productive natural ecosystems;

"(3) marine and near-shore coastal waters support commercial fisheries with an estimated value of over $5.5 billion per year, and recreational fisheries with an estimated value of over $7.5 billion per year;

"(4) marine and near-shore coastal waters support extensive recreational activities and related support services;

"(5) maintenance and protection of the environmental quality of the Nation's marine and near-shore coastal waters is essential to the commercial and recreational activities they support;

"(6) recent studies and reports provide evidence of growing threats to the environmental quality and ecological integrity of marine and near-shore coastal waters;

"(7) a report by the Congressional Office of Technology Assessment found that the overall health of coastal waters is declining or threatened;

"(8) studies by the Environmental Protection Agency and the National Oceanic and Atmospheric Administration have identified unexpectedly high levels of contaminants in a number of coastal areas;

"(9) expanded and improved research and monitoring of marine and estuarine ecosystems is needed to gain a more complete understanding of these ecosystems, how they function naturally, and how human activities may be affecting them;

"(10) on-going changes in world climate will alter regional weather and oceanic processes in ways which will affect the distribution and abundance of marine organisms;

"(11) there is a need to develop marine research programs which take a comprehensive approach to marine ecosystems in the various coastal and marine regions of the Nation;

"(12) there is a need to improve the extent of coordination among various marine research activities at the regional level and provide for long-range planning of research and related projects;

"(13) significant improvements in marine research can be accomplished through expansion and support of research at the regional level;

"(14) there is a need for sufficient and sustained Federal support for research and monitoring to protect the Nation's marine and coastal environment;

"(15) there is a need for comprehensive and periodic reports to the Congress on conditions and trends in marine environmental quality, research needs, and response programs;

"(16) the results of marine and near-shore research are valuable to developing and implementing marine and coastal environmental protection programs at the Federal, State, regional and local levels.

"PURPOSE

"SEC. 402. PURPOSE.—The purposes of this title are to—

"(1) establish regional marine research centers to protect the Nation's marine environment;

"(2) provide sufficient and sustained funding for these regional centers to develop comprehensive, long-range research plans, and coordinate and support marine research and related activities;

"(3) establish within the Federal government the capability to provide effective oversight of regional marine research; and

"(4) provide for periodic, comprehensive reports to Congress concerning conditions, trends, research needs, and response programs in the Nation's marine environment.

"DEFINITIONS

"SEC. 403. DEFINITIONS.—For purposes of this title—

"(1) the term 'Board' means the Marine Research Coordination Board established pursuant to section 408 of this title;

"(2) the term 'region' means a Marine Research Region designated in section 404(f) of this title;

"(3) the term 'Federal agency' means any department, agency or other instrumentality of the Federal Government, any independent agency or establishment of the Federal Government including any Government corporation;

"(4) the term 'local government' means any city, town, borough, county, parish, district, or other public body which is a political subdivision of a State and which is created pursuant to State law; and

"(5) the term 'nonprofit organization' means any organization, association or institution described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation pursuant to the provisions of section 501(a) of such Code.

"REGIONAL MARINE RESEARCH CENTERS

"SEC. 404. (a) GENERAL AUTHORITY.—There is authorized to be established within each region, as defined under subsection (f), a regional marine research center.

"(b) PURPOSES.—Regional marine research centers established pursuant to this section are intended to—

"(1) set overall goals for an integrated, long-term program of research and monitoring of marine and estuarine environmental quality in the region;

"(2) develop comprehensive, long-range plans which identify the specific needs and priorities of research and monitoring activities and projects;

"(3) assure coordination of research among State agencies and other organizations involved in marine research in the region;

"(4) monitor environmental quality conditions of marine and near-shore coastal waters and assess the impacts of proposed activities in these waters;

"(5) provide a forum for review and comment on research plans from affected user and interest groups, such as commercial fisherman, other marine industries, and environmental organizations;

"(6) provide a forum for coordinating research among research institutions, with other regions and with neighboring countries;

"(7) make public reports on the environmental quality conditions in the region; analyze and interpret research data and information at the request of the relevant State and local agencies in the region for their application in environmental protection programs; and make such scientific recommendations to local, State, and Federal agencies on design of effective programs to address identified problems as may be necessary.

"(c) AUTHORITIES.—Each regional marine reseach center shall be authorized to—

"(1) support basic and applied research, investigations, monitoring, and assessment activities through its members organizations and agencies in the estuarine, near-shore coastal and offshore environments of the region;

"(2) cooperate with Federal agencies, with State and with local government entities, interstate and regional agencies, other public agencies and authorities, nonprofit institutions and organizations, or other persons, in the preparation and support of marine research in the region;

"(3) enter into contracts, cooperative agreements or grants to member organizations, and to other State and local governmental entities, other public agencies or institutions, and nonprofit institutions and organizations for purposes of carrying out the provisions of this Act;

"(4) collect and make available through publications and other appropriate means, the results of, and other information pertaining to, the research conducted in the region;

"(5) support development of effective and practical methods and techniques for the detection and assessment of contamination in the marine environment;

"(6) hire staff and equip them as may be necessary to carry out the provisions of this Act, including the ownership and operation of research vessels and construction of necessary vessel-related support structures;

"(7) call conferences on regional marine research and assessment issues, giving opportunity for interested persons to be heard and present papers at such conferences;

"(8) support, in consultation with the Department of State, joint marine research projects with foreign nations;

"(9) utilize facilities and personnel of existing Federal agencies, including scientific laboratories and research facilities;

"(10) accept, and for all general purposes of this Act, utilize funds from other sources, including but not limited to State and local funds, university funds, and donations;

"(11) accept donations of equipment if such equipment benefits regional marine research programs, with appropriate tax deductions available; and

"(12) acquire secret processes, inventions, patent applications, patents, licenses, and property rights, by purchase, license, lease, or donation.

"(d) AREAS OF INVESTIGATION.—In carrying out the purposes and authorities of this section, regional research centers may support or assist research, investigations, studies, surveys, or demonstrations with respect to, but not limited to—

"(1) baseline assessment of marine environmental quality, including chemical, physical, and biological indicators of environmental quality;

"(2) basic oceanographic and biological conditions and processes;

"(3) effects or potential effects of contaminants, including nutrients, toxic chemicals and heavy metals, on the environment, including marine and aquatic organisms;

"(4) inventory of pollutant sources and pollutant discharges into the coastal environment;

"(5) transport, dispersion, transformation, and fate and effect of contaminants in the marine environment;

"(6) marine and estuarine habitat assessment, protection, and restoration;

"(7) methods and techniques for modeling environmental quality conditions and trends;

"(8) methods and techniques for sampling of water, sediment, marine and aquatic organisms, and demonstration of such methods and techniques;

"(9) the effects on human health of contaminants or combinations of contaminants at various levels, whether natural or anthropogenic, that are found in the environment;

"(10) assessment of potential effects of major coastal and offshore development projects in the region;

"(11) assessment and monitoring of the effects of climate change on marine resources in the region; and

"(12) analysis and interpretation of research data for the benefit of State and local environmental protection and resource management agencies in the region.

"(e) CREATION OF REGIONAL CENTERS.—(1) The Governors of a majority of the States in a region, as defined in subsection (f), may develop and submit for approval to the Marine Research Coordination Board a combined, interstate proposal for a Regional Marine Research Center.

"(2) Proposals for establishment of a Regional Marine Research Center—

"(A) identify the goals and objectives of the Center;

"(B) identify the research organizations that will participate in the Center, including State agencies, research laboratories and or-

ganizations, academic institutions, and others;

"(C) identify the organizational structure and authority of the Center, including establishment of a Board of Directors, creation of an Executive Director position, and provision for professional staff and management support;

"(D) identify the research capabilities and experience of the member organizations and how such experience will be coordinated and maintained; and

"(E) provide for a Research Advisory Group to include representatives from affected user and interest groups, including the commercial fishing industry, other marine industries, and environmental organizations, that will advise the Board of Directors in the conduct of authorized activities.

"(3) Any proposal developed pursuant to subsection (1) shall be submitted to the Marine Research Coordination Board for review and approval.

"(4) Within 90 days of receipt of a proposal, the Board shall hold a public hearing in the region to hear comments on the proposal.

"(5) Within 180 days after receipt of a proposal, the Board shall approve or disapprove the proposal on consideration of the following criteria—

"(A) inclusion as members of the Center, or other provision or mechanism for full coordination and cooperation with, relevant State agencies, marine research organizations or institutes, and universities with marine programs in the region;

"(B) demonstrated capability in sufficient disciplines to successfully mount a multidisciplinary research program;

"(C) sufficient resources, including laboratory, library, computer and support facilities;

"(D) a commitment from the member institutions to the support and continuation of an effective marine research program; and

"(E) establishment of an Advisory Group pursuant to paragraph (2)(E), and commitment to adequate procedures for effective consultation with such group.

"(6) In the case of disapproval of a proposal, the Board shall notify the Governors of the submitting States in writing, stating in detail the revisions or modifications necessary to obtain approval of the proposal. The Governors of the interested States may, not later than 90 days following such notification, submit such revisions and modifications as they deem appropriate. The Board shall approve or disapprove the revised proposal within 90 days of receipt.

"(7) Representatives of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, designated by the senior administrative official, shall serve as ex officio members of each regional center.

"(f) MARINE RESEARCH REGIONS.—For purposes of this Act, marine research regions are defined as follows:

"(1) Gulf of Maine Region, comprised of the marine and near-shore coastal waters off the States of Maine, New Hampshire and Massachusetts (north of Cape Cod);

"(2) Greater New York Bight Region, from south of Cape Cod to Cape May, comprised of the marine and near-shore coastal waters off the States of Massachusetts, Rhode Island, Connecticut, New York, and New Jersey;

"(3) Mid-Atlantic Region, from Cape May, New Jersey, to Cape Lookout, comprised of the marine and near-shore coastal waters off the States of New Jersey, Delaware, Maryland, Virginia, and North Carolina;

"(4) South Atlantic Bight Region, from Cape Lookout to the Florida Keys, comprised of the marine and near-shore coastal waters off the States of North Carolina, South Carolina, Georgia and Florida (Atlantic coast);

"(5) Tropical Region, comprised of the marine and near-shore coastal waters off Puerto Rico and the U. S. Virgin Islands (and to provide for broader international research coordination, representatives from the nations of the Caribbean region may serve as ex officio members of this region);

"(6) Gulf of Mexico Region, comprised of the marine and near-shore coastal waters off the States of Florida (Gulf coast), Alabama, Mississippi, Louisiana, and Texas;

"(7) Southern California Bight Region, comprised of the marine and near-shore coastal waters off the State of California from Point Conception south;

"(8) North Pacific Region, from Point Conception to the Canadian border, comprised of the marine and near-shore coastal waters off the States of California, Oregon and Washington;

"(9) Gulf of Alaska and Arctic Seas Region, comprised of the marine and near-shore coastal waters off the State of Alaska; and

"(10) Insular Pacific Region, comprised of the marine and near-shore coastal waters off the State of Hawaii, Guam, American Samoa, and the Northern Mariana Islands.

"REGIONAL RESEARCH PLANS

"SEC. 405. (a) REGIONAL RESEARCH PLANS.—Each Regional Marine Research Center, approved under section 404, shall develop a three-year marine research plan for the region.

"(b) CONTENTS OF PLAN.—Such marine research plan shall include—

"(1) an overview of the environmental quality conditions in the near-shore coastal and marine waters of the region and expected trends in these conditions;

"(2) a description of the research needs, goals, and priorities in the region over the upcoming ten-year period;

"(3) a comprehensive inventory of all Federally-funded marine research and monitoring activities expected to be conducted during the three year term of the research plan, including, but not limited to, projects funded under:

"(A) this Act;

"(B) the National Sea Grant Program;

"(C) sections 319 and 320 of the Federal Water Pollution Control Act;

"(D) the Fish and Wildlife Act of 1956; and

"(E) the Magnuson Fishery Conservation and Management Act of 1976.

"(4) discussion of the mechanism for coordination with the activities identified in paragraph (3) to avoid duplication and assure effective use of resources;

"(5) description of research projects, areas, and programs anticipated to be assisted with funds provided under section 406 of this Act in the three year period covered by the plan, including:

"(A) identification of the responsible organization, laboratory(s) or principal investigator(s);

"(B) estimated budget and equipment needs;

"(C) schedule of major activities;

"(D) final products of the project; and

"(E) relationship to research needs and priorities identified in paragraph (2) and to other projects identified in paragraph (3).

"(6) an inventory of supplies and equipment used commonly for research projects on the region.

"(c) PLAN REVIEW AND APPROVAL.—(1) The research plan shall be submitted to the Marine Research Coordination Board for review and approval.

"(2) The Board shall approve or disapprove the research plan within 90 days of receipt.

"(3) In review of research plans, the Board shall consider the degree to which the plan addresses the elements identified in subsection (b) of this section.

"(4) In the case of disapproval of a research plan, the Board shall notify the Board of Directors of the Regional Research Center in writing, stating in detail the revisions or modifications necessary to obtain approval of the proposal. The Center shall, not later than 90 days after such notification, submit such revisions and modifications as they deem appropriate. The Board shall approve or disapprove the revised proposal within 90 days of receipt.

"(d) PLAN REVISION.—The research plan shall be updated at least every three years and resubmitted to the Board for review and approval under this section.

"RESEARCH, SUPPORT AND EQUIPMENT GRANTS

"SEC. 406. (a) SUPPORT GRANTS.—(1) A regional marine research center for which a proposal has been approved pursuant to section 404, may submit to the Board an application for a support grant on an annual basis.

"(2) The application may provide for funding of basic functions of the Research Center including—

"(A) cost of facilities, offices, and related equipment;

"(B) salaries and expenses of staff and other personnel services;

"(C) reasonable maintenance costs of equipment, including vessels, as determined by the Board; and

"(D) other overhead costs including costs of publications, development of research plans, operation of the Board of Directors, and conduct of scientific and related meetings and seminars.

"(3) The application shall be for a period of a fiscal year and shall be in such form as may be required by the Board.

"(4) In no case may the total Federal grant under this subsection be in excess of $500,000 per fiscal year.

"(5) The Board shall approve an application which is consistent with the requirements of this subsection within 90 days of receipt.

"(b) RESEARCH GRANTS.—(1) A regional marine research center for which a research plan has been approved pursuant to section 405 may submit to the Board an application for implementation of that research plan on an annual basis.

"(2) The research grant application shall provide funding, to the extent available under section 409(a)(2)(A)(ii), to member organizations and agencies for research projects identified in the research plan, as needed and appropriate, to be conducted during that fiscal year.

"(3) The Board shall review grant applications and shall fund the application within 90 days of receipt of the application if the application is consistent with the approved research plan.

"(4) The Research Advisory Group of the research center shall have an opportunity to review and comment on the annual grant application and the Board shall consider the comments of the Advisory Group in reviewing grant applications.

"(c) EQUIPMENT SUPPORT.—(1) Any research center with an approved research plan pursuant to section 405 of this Act may submit to the Board an application to purchase equipment necessary for the research provided for in the approved research plan and funded under subsection (b), to the extent funds are available under section 409(a)(2)(B).

"(2) Equipment eligible for support under this section includes, but is not limited to—

"(A) monitoring and sampling equipment;

"(B) computer hardware or software;

"(C) scientific measurement and analytic equipment; and

"(D) necessary vessels and related support craft.

"(3) In review and approval of applications under paragraph (2)(D), the Board shall evaluate the following—

"(A) a clearly demonstrated need for the equipment in the region to support identified research projects;

"(B) adequate provision for maintenance and full utilization of the equipment, including loaning of equipment to organizations participating in another marine research center; and

"(C) consultation with the Federal Fleet Coordinating Council and the University Oceanographic Laboratory System (UNOLS) to determine the need for vessels or support craft.

"(4) Regional centers shall report annually to the Board on the status and disposition of any equipment funded under this subsection and shall give notice of 90 days prior to any sale of such equipment.

"(d) REPORTING.—Any Regional Marine Research Center that receives a grant under this section shall report to the Board not later than 18 months after award of the grant on accomplishments made pursuant to this subsection. Such report shall include narrative summaries and technical data in such form as the Board may require. Such report shall be provided to the Governor of each participating State and to the Research Advisory Group for the region.

"(e) MANAGEMENT.—For administrative purposes, the grant funds and grant award process pursuant to this section shall be managed by the Environmental Protection Agency.

"MONITORING AND REGIONAL ASSESSMENT

"SEC. 407. (a) MONITORING AND ASSESSMENT.—Each Regional Marine Research Center established in accordance with section 404 and receiving funds pursuant to section 406 and 409 of this Act shall, consistent with its research plan developed under section 405—

"(1) support baseline monitoring of fundamental marine environmental conditions in the region, in accordance with criteria, measurement standards and quality assurance techniques required by the Board; and

"(2) prepare periodic assessments of the status of marine environmental quality and resources.

"(b) REGIONAL ASSESSMENT REPORT.—(1) The Regional Assessment Report mandated under this section shall—

"(A) provide an overview of environmental quality in the region using such information as is obtained pursuant to paragraph (A) of subsection (a);

"(B) describe trends in natural resource and environmental quality conditions;

"(C) summarize the activities and research projects of the center and identify future needed projects; and

"(D) provide recommendations for improvements in the design or implementation of Federal, State or local programs for the protection of environmental quality in the region.

"(2) A draft of the Regional Assessment Report shall be reviewed by the Research Advisory Group for their comments and input before final submission.

"(3) The Regional Assessment Report shall be drafted in nontechnical style and made available to the public, as well as to local, state and Federal regulatory and management agencies. The Regional Assessment Report shall be submitted to the Governors of each State in the region.

"(4) Reports under this subsection shall be submitted to the Board on a schedule to be determined by the Board. To the extent practicable, the Board shall provide for reports beginning three years after the date of establishment of each center and every three years thereafter.

"MARINE RESEARCH COORDINATION BOARD

"SEC. 408. (a) ESTABLISHMENT OF MARINE RESEARCH COORDINATION BOARD.—(1) There is authorized to be established a Marine Research Coordination Board to manage and coordinate the efforts of the regional marine research centers authorized under section 404 of this Act.

"(2) The members of the Board shall be representatives of the following Federal agencies, designated by the senior administrative official of each agency—

"(A) the Environmental Protection Agency,

"(B) the National Oceanic and Atmospheric Administration,

"(C) the National Science Foundation,

"(D) the U.S. Fish and Wildlife Service,

"(E) the Minerals Management Service,

"(F) the U.S. Army Corps of Engineers,

"(G) the U.S. Navy, and

"(H) the National Academy of Science.

"(3) The executive director of each Regional Marine Research Center, approved pursuant to section 404(e), or the director's official designee, also shall serve as full members of the Board.

"(4) The representative of the Environmental Protection Agency shall serve as chair of the Board.

"(5) The Board shall organize its internal structure and functions as it deems necessary to best fulfill its responsibilities.

"(b) FUNCTIONS AND AUTHORITIES.—(1) The Board shall be responsible for the following—

"(A) review and approval of proposals for Regional Marine Research Centers, including conducting a public hearing in the region, in accordance with the provisions of section 404;

"(B) review and approval of the three-year research plans submitted by Regional Marine Research Centers, in accordance with section 405; and

"(C) approval of grant applications from the Regional Marine Research Centers, in accordance with section 406.

"(2) The Board is authorized to—

"(A) hire professional and support staff to carry out the provisions of this section;

"(B) hire an Executive Director at the Senior Executive Service (SES) level;

"(C) expend funds authorized under subsection (d) as required to carry out the provisions of this section; and

"(D) make grants to the Regional Marine Research Centers, pursuant to sections 406 and 409.

"(c) REPORT TO CONGRESS.—(1) The Board shall make periodic reports to Congress on the health of the Nation's near-shore coastal and marine waters, and on activities and accomplishments of the Regional Marine Research Centers.

"(2) Reports under this subsection shall be made within 180 days of the receipt of reports required under section 407 (b) of this Act.

"(d) FUNDING.—The activities of the Board shall be supported with funds available under section 409 of this Act.

"AUTHORIZATIONS

"SEC. 409. AUTHORIZATIONS.—(a)(1) For the purpose of carrying out the activities authorized by sections 404, 405, 406, and 407 of this Act there are authorized to be appropriated $29,500,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992, and 1993.

"(2) Such funds shall be allocated as follows—

"(A) grants to regional marine research centers established pursuant to section 404: *Provided* That—

"(i) such research centers has submitted a proposal which has been approved pursuant to section 404 of this Act;

"(ii) no annual grant to such center shall exceed $3,000,000; and in the case of the Tropical Region, no annual grant to such center shall exceed $1,500,000.

"(B) grants for purchase of equipment under section 406: *Provided* That such sums are not alloted for use under subparagraph (A).

"(b) For the purpose of carrying out the activities authorized by section 408 of this Act there are authorized to be appropriated $1,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992, and 1993.".

SECTION-BY-SECTION ANALYSIS—MARINE RESEARCH ACT OF 1988

Sections and 1 and 2: Establish the title of the bill, the "Marine Research Act of 1988", and create a new Title IV of the Marine Protection, Research and Sanctuaries Act.

Sections 401, 402, and 403: Establish the findings, purpose and definitions of the Act.

Section 404: Provides general authorities of regional marine research centers to coordinate and support research, monitoring and assessment in marine and coastal waters.

Proposals to establish regional research centers may be submitted by Governors to identify the goals, membership, organizational structure, and research capabilities of the centers.

Ten regions are identified including the Gulf of Maine, Greater New York Bight, Mid-Atlantic Bight, South Atlantic Bight, Tropical, Gulf of Mexico, Southern California Bight, North Pacific, Gulf of Alaska and Arctic Seas, and the Insular Pacific.

Section 405: Provides for development of regional research plans identifying research needs and priorities for a 3-year period. Plans are to be submitted to the Marine Research Coordination Board, established by section 408, for approval.

Section 406: Provides for grants to the regional marine research centers for research and administrative costs, and for support for special research equipment needs.

Section 407: Provides that regional research centers are to conduct baseline moni-

toring and assessment of marine resources. Also mandates assessment reports to be made available to the public as well as local, State and Federal agencies.

Section 408: Establishes a Marine Research Coordination Board at the Federal level to manage and coordinate the efforts of the regional centers. Member agencies are the Environmental Protection Agency, National Oceanic and Atmospheric Administration, National Science Foundation, Fish and Wildlife Service, Minerals Management Service, Corps of Engineers, Navy, the National Academy of Sciences. Representatives of regional centers also are members of the Board.

Section 409: Authorizes $29.5 million annually for the regional centers, as provided under section 406. Annual grants to each center are limited to $3 million. Also authorizes $1 million annually for the Marine Research Coordination Board, as provided under section 408.

TROUBLED WATERS—THE WORLD'S OCEANS CAN'T TAKE MUCH MORE ABUSE

The last day of the summer season dawned gray and drizzly on the New Jersey coast. But instead of rushing for home, many departing vacationers went down to the sea. In some beach communities they formed small knots, in others lines more than a mile long as they silently linked hands and stared out at brown-tinged waves. They had come to pray for the ocean.

For those thousands of tourists, resort owners, and residents on the 127 mi. of coast known simply as The Shore, there was little doubt that the ocean needed help. During the summer, hundreds of dead dolphins, raw sewage, tar balls, and even used syringes washed ashore. Many beaches closed because of the pollution. Local papers trumpeted cases of illnesses caught from swimming—even, some said, from simply breathing the salt spray. "The pollution has got to stop," declares Linda S. Hasbrouck, who heads "Save our Shores," the local environmental group that organized the Labor Day event. "It's so bad you don't know what's coming in with the next tide."

HAMMERED HOME

All along the U.S. coast, unpleasant surprises rode in on the summer surf. Parents on Massachusetts' South Shore were appalled when children began decorating sand castles with plastic tampon applicators that drifted ashore from garbage dumped in Boston Harbor. On Long Island Sound, millions of dead fish washed up—killed by a total lack of oxygen in the water. Another giant dead zone formed at the mouth of the Mississippi. Near Corpus Christi, Tex., litter from ships and offshore drilling rigs covered the beaches at Padre Island National Seashore. Algae blooms—red and brown tides—tainted waters along the Atlantic coast.

The Adriatic and Aegean, the Mediterranean, the Baltic, the Irish Sea, and the Sea of Japan are not faring much better. In August an 18-m sailboat dubbed the Goletta Verde—the Green Schooner— completed a much-publicized two-month trip around Italy to assess coastal pollution. What it found wasn't pretty. From Trieste to Genoa, the waters of the Mediterranean are murky with sewage and industrial waste. Some of the world's most spectacular beaches were bespoiled by garbage. Even the legendary beauty of the isle of Capri was marred by flotsam from nearby Naples. The Bay of Naples was fouled with such "incredibly high levels of raw sewage that it's on the outer limits of the imaginable," says Claudio Pirro, a marine biologist from Rome's Weltman Laboratories, who made the voyage.

This summer of 1987 hammered home a point that some scientists have been making for years: The world's coastal waters are in trouble, deep trouble. The seas' capacity to absorb a lethal cocktail of industrial, urban, and agricultural wastes is being exceeded. And when those overstressed ecosystems are exposed to natural insults, such as unusually warm weather, they collapse. "All our coastal systems are damaged, some so badly that we can't use them anymore," sighs Joseph A. Mihursky, a professor at the University of Maryland's Chesapeake Biological Laboratory.

Ironically, concern over ocean pollution is coming on the heels of a decade of steady progress toward cleaning up U.S. inland waters. But cleaning the fouled seas is a gargantuan task by comparison, and it is likely to become one of the most pressing environmental issues of the next decade—and beyond.

While discharges from factories and municipal sewage plants are part of the prob lem, much of what ends up in the sea simply washes off the land—from farms, lawns, and city streets. To protect fragile marine environments, legislators will almost certainly have to tighten controls on sewage treatment and industrial discharges. But that won't be enough to cope with runoff—so-called nonpoint pollution. Everything from pet waste to crankcase oil drained in the driveway or fertilizers used on lawns contributes. Curbing it will require fundamental changes in residents' habits—and sweeping new laws that will restrict coastal development.

The price of inaction is enormous. Jolting changes in the coastal ecology affect a critical part of the food chain—and ultimately human health. Toxic chemicals and heavy metals such as cadmium and lead are picked off bay bottoms by small organisms that fish and shellfish eat. Disease organisms from raw sewage thrive. Cases of human illness, including hepatitis, from eating seafood have risen drastically since the early 1980s, according to the National Marine Fisheries Service. "Poisoning the sea will inevitably poison us," warned oceanographer Jacques-Yves Cousteau a decade ago.

DEAD OYSTERS

The poisons in the waters already are jeopardizing the $6 billion U.S. commercial and recreational fishing businesses. In Boston's south shore suburb of Quincy, a sign off a spit of land called Hough's Neck proclaims it "The Flounder Fishing Capital of the World." No more. Today, most flounder that survive the polluted waters of Boston Harbor are hardly table grade. "If you did fish here, the first thing you'd notice is fin rot," explains Steve Hunt, director of Boston's Save the Bay—Save the Harbor. And if you gutted a fish, you'd probably find white liver tumors.

Less anachronistic are "No Fishing" signs that are cropping up all along the nation's coasts. This year a shocking 33% of U.S. shellfish beds are closed. The annual harvest from Long Island's rich clam and scallop beds, worth $110 million in the 1970s, has plunged to less than half that. The watermen of Chesapeake Bay are raking up dead oysters, killed by a mysterious disease called MSX. At Matagorda Bay in Texas, seafood wholesaler Emery Waite says: "You can't find enough oysters to make a stew."

Finfish are no different. The harvest of striped bass from New York's waters, which stood at 14.7 million lb. in 1973, is now zero. Bass fishing was banned in 1986 because the fish, which spawn in the Hudson River, were contaminated with dangerous levels of polychlorinated biphenyls (PCBs)—a toxic chemical that was dumped into the river years ago by General Electric Co. Today health officials in New York warn recreational fishermen not to eat bass, carp, sunfish, catfish, or walleye from the Hudson.

Even so, commercial fishermen continue to make money. Demand for seafood has never been higher—ironically, because many consumers consider fish healthier than red meat—and prices are spiraling upward. Last year the nation's fishing industry landed 6 billion lb. of fish, worth $2.8 billion. Meanwhile, imports have more than tripled in the past decade, to $7.6 billion last year.

The numbers tell only part of the story. In the U.S., catches are climbing because fishermen are overfishing declining supplies of some prime fish, such as flounder, halibut, striped bass, and cod. And they are keeping—and selling—the "junk" fish, such as mako shark, that they once threw back as inedible. "Supply is down, and demand is so high that the price keeps going up," says Robert Morris, who owns a 40-ft. trawler that he sails from Newport, R.I.

Yet Morris and others know that all is not well at sea. The "draggerman" used to fish in water from 30 to 50 ft. deep. But lately, Morris' nets are clogged with seaweed. He blames the nutrients from detergents for the rapid seaweed growth. So, he is venturing deeper—down to 300 ft. "Pollution is affecting how I make a living," Morris says.

Fishermen—and many scientists—believe that rampant development of the shoreline is the source of much of the pollution that threatens coastal waters. By 1990, 75% of the U.S. population will live within 50 mi. of the shore, compared with 40% in 1984, according to the U.S. Census Bureau. "We've been hell-bent on development at all costs," says James I. Jones, director of the Mississippi-Alabama Sea Grant Consortium, a national program of colleges with marine studies.

The problem is that sea life likes to live near the shore as well. The deep oceans are still relatively clean, but most fish breed in the increasingly endangered coastal shallows, especially tidal marshes and estuaries where the nutrients washed from the land create a rich variety of life—and food for larger organisms. In addition, the coastal wetlands act as a natural filter to trap pesticides from farms, waste from urban runoff, and chemicals from industry.

But those wetlands are being destroyed at an alarming rate. In Florida, marinas and condominiums are replacing mangrove swamps. Louisiana is losing its wetlands at the rate of 50 sq. mi. a year to development and oil and gas exploration. At this rate, none will remain in 100 years. As the wetlands disappear, raw sewage flows unfiltered into the gulf. So since 1982 about 70% of the state's oyster beds have been closed for up to six month a year. "If you ask where you can eat an oyster and not get sick, I can't think of any place," says James Cosgrove, an official at the Louisiana Health Dept.

Toxic chemicals from coastal industry also take their toll. Even though existing environmental laws have forced industry to reduce its discharges, more than 1,300 major industrial facilities still have federal permits to dump their wastes into estuaries. Along the Texas coast, the oil industry has 2,000 permits to discharge wastewater from drill-

ing, which contains lead, cadmium, and other toxics, into the water. Near Clear Lake, Tex., Brian W. Cain, an environmental specialist with the U.S. Fish & Wildlife Service, plunges the handle of an old fishing net into one canal's dark green water. A large bubble burps out, and a knot of oily chemicals spreads on the surface. The air quickly turns fetid. "There's nothing growing along here," Cain says.

Industrial pollution, however, is far easier to control than runoff. What happens when it rains? Wastes are flushed by the ton from city streets into the water. "Toxic runoff from the streets is a major contributor," says Gordon C. Colvin, director of marine resources at New York's Environmental Conservation Dept.

Inform Inc., an environmental research group based in New York City, compared government data on Hudson River pollution in 1982 from all identifiable sources. What it found was disturbing indeed. The amounts of 26 toxic chemicals added to the river from runoff, including PCBs and mercury, far exceeded those from other sources. Runoff contributed more than 182,000 lb. of lead, for example, compared with only 240 lb. from other sources.

The most deadly contribution from runoff is not toxic chemicals, however. It is nutrients. These can concoct the deadly "algae blooms," such as red tide, that rob the waters of life-giving oxygen. That happens because the nutrients from fertilizer or sewage cause certain microorganisms to multipy at an explosive rate, using up oxygen in the water. When they die and sink to the bottom, they decompose—sopping up even more oxygen. When levels of dissolved oxygen are very low, scientists call the condition hypoxia. When there is none at all, it's called anoxia.

"CEMENTIFIED"

That's what caused this summer's fish kills in Long Island Sound. On July 21 and 22 oxygen below the top layer of water completely disappeared. Then, for the next week, dissolved oxygen levels were less than 1 mg per liter of water. Anoxia can occur naturally, of course. But Barbara L. Welsh, an associate professor of oceanography at the University of Connecticut who is studying historical data on oxygen levels, believes that "back in the days of the Indians" it was unlikely oxygen levels ever got below 3 mg per liter.

In the Mediterranean, sewage is the culprit. An estimated 90% of the sewage generated around its coast is still dumped raw into its waters. Along the French Riviera, the word for many is: Go to the beach, but don't go swimming. Yvonne P. Tilleard, a part-time caterer who has vacationed in Cannes for the past 20 years, says her children "wouldn't go near the water." She says that local pediatricians warn parents not to allow young children to swim.

In addition, the sea's European coasts are fast becoming what environmentalists call "cementified" by runaway development. "In the past few years, what virgin coastline was left has been disappearing at an alarming rate," says Costanza Pera, an official in Italy's newly created Environment Ministry. "The risk that the whole Mediterranean basin will be ringed by cement is very real."

Nor are the seas spared the threat of radioactive waste. Low-level radioactive wastes were dumped in the 1960s and 1970s in deep waters off the coast of Spain by Britain, Belgium, the Netherlands, and Switzerland. Although a moratorium took effect in 1983, the British have recently discussed burying low-level radioactive wastes in caverns beneath the Irish Sea.

The Irish, in fact, are skirmishing with the British over a nuclear reprocessing plant at Sellafield on England's West Coast. That facility, which turns spent reactor fuel into uranium and weapons-grade plutonium and is authorized to dump a limited amount of nuclear waste into the Irish Sea, has been responsible for numerous pollution incidents since it opened in the 1950s. Just four years ago divers for Greenpeace, an international environmental group, had to be decontaminated after they discovered unauthorized radioactive discharges. Greenpeace claims Sellafield has dumped more radioactive wastes into the Irish Sea than have been disposed of in all the world's oceans combined.

Pollution is beginning to affect the open seas as well. Ships, including those of the U.S. military, always pitch anything they don't want over the rail. Overall, about 6 million metric tons of litter are tossed overboard annually.

Plastics, however, do not sink into Davy Jones's locker. They float—and they don't disintegrate. Sooner or later, anything that floats on the sea comes ashore. According to the National Academy of Sciences, fishermen lose some 136,000 tons of plastic nets, lines, and buoys a year. Tons of waste from offshore oil rigs, everything from chemical drums to food wrappers, washes up on the Gulf Coast. An international law banning dumping plastics at sea is nearing approval by the U.S. Senate.

A recent study of Laysan albatross chicks on Midway Island in the Pacific found that 90% of them had plastic residues in their digestive systems. It is estimated that 1 million birds and 100,000 marine mammals die yearly because they stuck in plastic refuse or they swallow it and choke.

Oil pollution is a particular problem, especially along the tanker lanes from the Mideast to Europe, Japan, and the U.S. Scientists generally agree that 3 million to 6 million tons of oil are dumped into the oceans from land and sea sources each year. Most of this is not accidental. It is the residue of petro-chemical operations, at-sea dumping, and general sloppiness.

HEAVY METALS

Healing the seas may be an enormous task. "Once the condition of the waters deteriorates, it's very difficult to halt the decline," warns Gary Mayer, associate director of environmental studies at the National Sea Grant Program. And the path to a cleanup is enormously costly and riddled with political pitfalls.

Take Boston. Some 6,000 factories discharge oil, grease, heavy metals, and acids into its 50-sq.-mi. harbor, rendering it one of the most polluted in the country. But the city and state governments, began taking steps only when ordered to by a federal court in 1983—and the bureaucracy made no move to comply until 1985. Now scientists estimate that it will take at least 12 years before Bostonians will be able to stick a toe in the water. Fishing in the harbor, now outlawed, may never come back. The cost? More than $3 billion to upgrade waste-disposal facilities, which will quadruple the water and sewage bills of the 43 municipalities that use the harbor for waste disposal.

Nationwide, it would cost an estimated $76 billion just to overhaul municipal waste-treatment plants, which produce 70% of all effluent discharged deliberately into coastal waters. Today one-third of the nation's sewage-treatment plants, including San Diego's Point Loma and Boston's Deer Island, still remove only half of all solids from human wastes. And many large cities are resisting the expense of adding so-called secondary treatment plants, like New York's North River facility, which remove 90% of the solids. In February, it took a congressional override of a Presidential veto to devote $18 billion to such projects.

Then there is runoff. Scientists are just beginning to understand how big a problem it is. And they still have no firm conclusions about what should be done to control it—or what that might cost. They suspect, for example, that it has something to do with MSX disease, which is killing oysters in the Chesapeake, but they don't know what. And so far the government has been parsimonious about handing out the money needed to answer those and other questions about complex marine ecosystems. Richard F. Delaney, director of the Massachusetts Coastal Zone Management Program, told Congress in May: "We cannot even answer basic scientific questions."

Last year the Environmental Protection Agency mounted a "near-coastal waters" program to coordinate state and federal efforts at tackling coastal pollution. But so far that effort is long on paper and short on funds. This year, in renewing the Clean Water Act, Congress allocated $12 million for a two-year study of six estuaries, including Long Island Sound and Galveston Bay. "We spend a tiny amount of money trying to protect the natural environment when you place it against what is spent detracting from it," says Craig R. O'Conner, regional director for the National Marine Fisheries Service.

IRATE BEACHGOERS

The summer's pollution problems have drawn the attention of key lawmakers, however. Senator George Mitchell (D-Me.) is preparing legislation that would finance a study of pollution in the Gulf of Maine. The four senators from New Jersey and New York want a similar study of the near-coastal waters of their states. Bills to ban dumping of plastics at sea and to finance marine research, meanwhile, are being considered in both houses. And Senator Frank R. Lautenberg (D-N.J.) is introducing a bill to require federal permits for garbage barges.

In addition, some states, faced with irate public beachgoers, increasingly militant fishermen, and billions in tourist dollars hanging in the balance, are taking steps on their own. This year, Maryland, Virginia, Pennsylvania, and the District of Columbia agreed to reduce the amount of nitrogen and phosphorus flowing into Chesapeake Bay by 40% by upgrading sewer plants and managing development and agricultural runoff. Some states, including Florida, Maryland, and North Carolina, have passed laws controlling coastal development.

Still, the piecemeal nature of these efforts worries some legislators, who feel the problem requires a more comprehensive approach along the lines of the 1970s attacks on water and air pollution. Representative Gerry E. Studds (D-Mass.), chairman of the House merchant marine, environment, and fisheries subcommittee, plans hearings on how to devise such a program. "To solve this problem requires an all-out, multifaceted program of prevention and enforcement," agrees Senator Lautenberg.

That day can't come soon enough for Fort Lauderdale diving-shop owner Brian Brooks. He recalls when visibility in nearby waters was 100 ft. and snapper and grouper were

easily speared in offshore waters. Now 60 ft. is considered good, and only the colorful tropical fish can be found. The snapper and grouper have fallen victim to overfishing and coastal development. "It's still beautiful, and we could still protect it," Brooks says. "But we're running out of time."

(By Tim Smart in Washington and Emily T. Smith in New York, with Todd Vogel in Houston, Corie Brown in Boston, Karen Wolman in Rome, and bureau reports.)●

● Mr. CHAFEE. Mr. President, it is with great pleasure that I join with my colleague from the Environment and Public Works Committee, Senator MITCHELL, to introduce the Marine Research Act of 1988. The distinguished Senator from Maine has been a champion of clean water, not only in our lakes and streams, but also in our bays, estuaries and near coastal waters. This legislation is a reflection of his continuing commitment to protecting our aquatic resources.

Our oceans are beginning to show signs of stress. Agricultural runoff, ocean dumping of sludge, and municipal effluent are invading our marine environment on a daily basis. We may be experiencing a rise in the global sea level, which could have potentially significant effects. Too many fishermen trying to harvest too few fish could be exacerbating the problem of declining fish populations.

Each of these problems raises a multitude of questions—questions which need to be answered with reliable, accurate scientific information. The purpose of the Marine Research Act is to establish an independent marine research board, which will coordinate and amplify the ability of existing research institutions to provide scientific data of the highest quality to address these questions.

It is not possible to address the deterioration of the Nation's bays and estuaries, and the decline in quality of our near coastal waters, on a piecemeal or State-by-State basis. In order to effectively confront problems in the marine environment, it is necessary to respond to the urgent need for expanded, regionally directed marine research. Pollution problems are not confined by State boundaries. The Office of Technology Assessment recently issued a report which emphasizes the need for sustained, focused scientific research on a total ecosystem basis. The Marine Research Act will accomplish this.

The legislation will establish a Marine Research Program which takes a broad, national view of trends in the marine environment, but will be directed and managed by research scientists within each region. The argument for organizing a Marine Research Program along these lines, rather than simply for the Federal Government to conduct research, is compelling: Oceanographers, such as those located at University of Rhode Island's graduate school of oceanography, are most familiar with the ocean environment in a given region. The Marine Research Program created by this legislation, instead of duplicating ongoing efforts at these institutions, will play a coordinating role.

Specifically, the legislation will create 10 coastal regions based on geographic conditions, including one which extends from Cape Cod, MA, to Cape May, NJ. The bill establishes regional councils charged with coordinating and planning marine research in each region. A primary responsibility of the councils will be to conduct baseline monitoring and assessment of marine environmental quality within each region.

The legislation authorizes $3 million annually for each region to conduct research and assessment activities. These funds will be used to establish marine research centers in each region, which will report regularly to State Governors, Federal policymakers such as the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, and the public on marine trends in the region.

The invaluable information which will be provided to policymakers as a result of this legislation will encourage the making of informed, intelligent decisions about our marine environment. This legislation will enable us to answer crucial questions which must be addressed if we are to adequately protect the ocean and its resources.

I hope that my colleagues will join with me in supporting this necessary and forward-looking legislation.●

● Mr. BRADLEY. Mr. President, I am pleased to join with Senator MITCHELL in introducing legislation which will increase our basic understanding of the needs of our coastal environment. The Marine Research Act of 1988 will establish marine research centers in 10 regions around the Nation's coastline. These centers will support the research institutions in the region—including State agencies, universities, and independent laboratories—and will help to coordinate their efforts. These efforts enhance our knowledge of the changes which are taking place in our marine and estuarine waters, what these changes mean, and what we can do about them.

Last summer, Mr. President, we in New Jersey became more sensitized than ever before to the vulnerability and the value of our precious coastline. We faced a barrage of coastal assaults over a 2-month period. Garbage washed ashore, dolphins beached and died, the beaches were closed. We became painfully aware of the serious problems we face.

Last year the Office of Technology Assessment reported that our mid-Atlantic coastal waters were experiencing particularly serious pollution problems. The OTA study only confirmed what every New Jerseyan already knew. New Jerseyans strongly support action to remedy this problem.

New Jersey has a fine marine protection and research center in Brigantine, NJ. The Marine Mammal Stranding Center rescues, rehabilitates, and releases stranded or otherwise distressed marine mammals (whales, dolphins and seals) and sea turtles that come ashore. The center, which—along with the Smithsonian Institution's Marine Mammal Laboratory—discovered the outbreak of unusual dolphin deaths last summer, relies chiefly on volunteer help to perform its valuable work—including research and education. I hope that the bill we are introducing today will help the center and other research institutions to continue and expand their valuable work to enhance our understanding of the coastal environment and its inhabitants.

Another New Jersey marine research center is the National Marine Sciences Consortium, an alliance of 30 colleges and universities in New Jersey, New York and Pennsylvania. The consortium, which manages research efforts for those institutions and runs educational programs for every level from grade school through graduate studies, is privately funded. This legislation should enable the consortium's unique efforts to be disseminated widely and coordinated with research being conducted elsewhere.

The legislation we are introducing today will provide one more positive step to preserve, restore, and protect our sensitive shoreline. Last year, we took other steps to try to protect our coastal waters. We enacted legislation for an expanded study of the New York Bight, which extends from Cape May to Montauk Point. This study will also recommend steps which are needed to restore the bight. We also enacted legislation to combat plastic pollution, and we ratified and enacted legislation to implement the MARPOL treaty to outlaw dumping of plastic pollution from international vessels. I also cosponsored shore protection legislation to ensure good waste handling practices for vessels towing garbage between ports.

The Environmental Protection Agency is also moving ahead on a request I made to establish better ways to track hospital waste from cradle to grave, and the Commerce Department has established an interagency task force to look at the feasibility of using remote sensing for environmental enforcement. I look forward to the results of their efforts.

Under the Marine Research Act, New Jersey will be covered by two of the regional designations: the Greater New York Bight Region and the Mid-Atlantic Bight Region. The separate designations will allow each regional research center to focus its efforts on

problems that are common and sometimes unique to the specific regional ecosystem.

I believe that a strong marine research effort will help us to understand the state of our coastal environment today and guide our efforts in the future so that we can protect one of our most precious and fragile resources.

● Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of the Marine Research Act of 1987. I would like to commend my distinguished colleague from Maine for introducing this timely legislation.

The health of our coastal waters is in jeopardy. Our oceans are being used as a dumping grounds for everything from garbage to plastics to sludge. Ocean pollution caused the shut down of numerous beaches on Long Island this past summer. On June 23, 1987, local health officials in Nassau County were forced to close down the shorefront at East Atlantic Beach due to garbage that washed ashore. The refuse was identified as hospital waste and included blood vials, surgical tubing, and discarded syringes with needles attached. Again on June 24, a total of 10 beaches in Hempstead Harbor were closed after the waste treatment plant serving the village of Rosslyn began dumping untreated sewage into the harbor at the alarming rate of 5,000 gallons per hour. The affected areas extended the length of the harbor from Bar Beach to the privately owned IBM beach on the west shore and from Tappan Beach to Morgan Park Beach on the eastern shore of the harbor. Can we allow our children to swim in waters that contain this kind of pollution?

I believe that we can take a significant step toward protecting the marine environment by expanding and strengthening our marine and estuaries research program. The Marine Research Act is intended to fulfill these very objectives.

This legislation establishes 10 regions which would be responsible for coordinating and supporting the efforts of organizations and agencies in the region including State agencies, universities, and other laboratories. The bill also provides for 3-year regional research plans and grant assistance to carry out research and related activities. A Federal coordinating board is also created. The region that would serve the New York area is called the Greater New York Bight region.

These research centers will provide information as to the source and types of pollutants that are fouling up the marine environment. It is essential to know what causes the problem before we seek remedies. This legislation is a necessary step in preserving one of our greatest resources—the ocean.

I urge my colleagues to study this important legislation and to work towards its swift passage.●

By Mr. INOUYE:

S. 2069. A bill to amend title 37, United States Code, to authorize the payment of incentive special pay for nurses in the Armed Forces; to the Committee on Armed Services.

INCENTIVE SPECIAL PAY FOR NURSES

Mr. INOUYE. Mr. President, today I am introducing legislation to amend title 37 of the United States Code to authorize the payment of incentive special pay [ISP] to those nurse specialists which the Department of Defense deems of a critical shortage.

Presently, physicians providing these services do receive incentive special pay and in my judgment, it is appropriate to provide the Department with the administrative flexibility to award similar economic incentives to those professional nurses who provide the same type of services.

Mr. President, I ask unanimous consent that a memorandum submitted to the service secretaries by Dr. William Mayer, Assistant Secretary for Health of the Department of Defense, describing the shortage of nurse anesthetists and the text of my bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCENTIVE SPECIAL PAY FOR NURSES

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 302c the following:

"§ 302d. Incentive special pay: nurses

"(a)(1) Subject to paragraph (2) of this subsection and subsection (b) of this section, an officer who—

"(A) is an officer of the Nurses Corps of the Army or the Navy or an officer of the Air Force designated as a nurse; and

"(B) is on active duty under a call or order to active duty for a period of not less than one year,

may be paid incentive special pay, in an amount determined by the Secretary concerned, for any twelve-month period.

"(2) An officer is not eligible for incentive special pay under paragraph (1) of this subsection unless the Secretary concerned has determined that such officer is qualified as a nurse.

"(b)(1) An officer may not be paid incentive special pay under subsection (a) of this section for any twelve-month period unless the officer first executes a written agreement under which the officer agrees to remain on active duty for a period of not less than one year beginning on the date the officer accepts the award of such special pay.

"(2) Under regulations prescribed by the Secretary of Defense under section 303a(a) of this title, the Secretary of the military department concerned may terminate at any time an officer's entitlement to the incentive special pay authorized by subsection (a) of this section. If such entitlement is terminated, the officer concerned is entitled to be paid such incentive special pay only for the part of the period of active duty that he served, and he may be required to refund any amount in excess of that entitlement.

"(c) Special pay payable to an officer under subsection (a) of this section shall be paid annually at the beginning of the twelve-month period for which the officer is entitled to such payment.

"(d) An officer who voluntarily terminates service on active duty before the end of the period for which a payment was made to such officer under subsection (a) of this section shall refund to the United States an amount which bears the same ratio to the amount paid to such officer as the unserved part of such period bears to the total period for which the payment was made.

"(e) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or under subsection (b)(2) or (d) of this section.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302c the following:

"302d. Incentive special pay: nurses.".

(b) CONFORMING AMENDMENTS.—Section 303a of title 37, United States Code, is amended by inserting "302d," after "302c," each place it appears.

THE ASSISTANT SECRETARY OF DEFENSE,
Washington, DC, April 16, 1987.

MEMORANDUM FOR THE SECRETARIES OF THE MILITARY DEPARTMENTS

Subject: Wartime Shortages of Nurse Anesthetists.

In the event of full mobilization, the medical support provided will be hampered by a continuing shortage in such critical skills as anesthesiologists, orthopedic surgeons, general surgeons, operating room nurses and nurse anesthetists. At present, the Military Departments have a shortfall of over 1,700 nurse anesthetists. Despite the projected impact of various recruiting, retention and educational incentives, targeted primarily at the Reserve Components, a shortfall of nearly 200 nurse anesthetists is still estimated in 1992.

Recently, I signed a memorandum of understanding (MOU) with the American Association of Nurse Anesthetists (AANA). The MOU permits our use of AANA supplied data to contact AANA members who might be interested in joining the active or reserve forces or who might volunteer in advance to provide part time services in local military hospitals if military mobilization has caused nurse anesthetist shortages there. In addition to information on their membership, the AANA has willingly agreed to publicize the role, opportunities and need for military nurse anesthetists in their journals.

As you continue to increase the number of authorized nurse anesthetist positions in both the active force and selected reserve, the support of the AANA will be of immeasurable help in fully utilizing these positions. We, in Health Affairs, are developing a plan in conjunction with the Military Departments to put the AANA's assistance to full use.

In addition to their peacetime role, nurse anesthetists provide key contributions to our wartime medical mission. I therefore

welcome the recognition, support and professionalism of the American Association of Nurse Anesthetists. Resolution of all critical specialty shortfalls must travel on parallel tracks. Such an approach will ensure that not only is the physician shortage being corrected, but the shortage of nurses is being addressed as well. Your continued support is necessary.

WILLIAM MAYER, M.D.

By Mr. GARN (for himself, Mr. BOND, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. COCHRAN, Mr. D'AMATO, Mr. DANFORTH, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. EVANS, Mr. GRAMM, Mr. GRASSLEY, Mr. HATCH, Mr. HEINZ, Mr. HUMPHREY, Mr. KASTEN, Mr. LUGAR, Mr. MCCAIN, Mr. MCCLURE, Mr. MURKOWSKI, Mr. NICKLES, Mr. QUAYLE, Mr. STAFFORD, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, Mr. WALLOP, Mr. WARNER, Mr. WEICKER, Mr. WILSON, Mr. ADAMS, Mr. BENTSEN, Mr. BRADLEY, Mr. BUMPERS, Mr. BURDICK, Mr. CHILES, Mr. DECONCINI, Mr. DODD, Mr. EXON, Mr. FORD, Mr. FOWLER, Mr. GLENN, Mr. GORE, Mr. HEFLIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSTON, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Mr. METZENBAUM, Mr. MITCHELL, Mr. MOYNIHAN, Mr. NUNN, Mr. REID, Mr. SANFORD, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, and Mr. STENNIS):

S.J. Res. 255. Joint resolution to authorize and request the President to issue a proclamation designating April 24 through April 30, 1988, as "National Organ and Tissue Donor Awareness Week"; referred to the Committee on the Judiciary.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

● Mr. GARN. Mr. President, I am introducing today a resolution to proclaim April 24 through April 30, 1988, as "National Organ and Tissue Donor Awareness Week." I am pleased that 60 of my colleagues have joined as cosponsors to this bill. I also would like to thank the staffs of these Senators for the prompt and positive response they gave my office in preparation of the resolution. Congressman SID MORRISON of Washington is introducing companion legislation today in the House of Representatives.

It has been a year and a half now since I found myself lying in a hospital bed in Georgetown University Medical Center. I remember being wide awake and apprehensive about the fact that the next morning I would go into surgery to donate a kidney to my 26-year-old daughter, Susan Garn Horne. Sue had lost most of her renal function as a result of a long-term diabetic condition. As I look back, I was apprehensive that night because I was unsure about what the consequences of the surgery might be for me. Until then, I hadn't thought much about those consequences. Once I learned I was a good donor match for Sue, my only thought had been, "She needs my kidney, I am going to give it to her, and that is all there is to it."

In recognizing my own apprehension and fear, I realized the significant impact that National Organ and Tissue Donor Awareness Week can have. Too many people are either fearful of the prospects or ignorant about the process of freely giving an organ to someone else. As a result, many people are dying, or at the very least continuing to suffer, every day because of a failure to obtain a needed organ for transplant.

I can understand that fear among those who are eligible to be living related donors. They can't help but wonder about the impact their donation might have on their own life. I certainly had those apprehensions, although I now know that the impact is minimal, if even noticeable. What I cannot understand is why anyone would be reluctant to authorize the donation of any of their vital organs or "transplantable parts" after they are dead. Of what use are those parts to them then? And what could they possibly have to fear?

I can't help but believe that if people could understand the need for organ donors, enough of them would voluntarily sign donor authorization cards and get "donor" stamped on their driver's licenses, that there would be an adequate supply of organs for those in need. For example, if only one out of four brain-dead people in the Intermountain area authorized the donation of their organs, they would meet the transplant needs of the entire region. Only one out of four.

People need to understand that they literally may give someone else the "gift of life."

During an interview in the hospital, the day before Sue and I were discharged, a reporter asked me how my donation of a kidney to my daughter compared to other so-called notable things I had done in my public and personal life. I didn't even have to think about the answer. There is simply no other thing I have ever done that has given me greater satisfaction. Donating a kidney to Sue was something I was able to do entirely alone, and it gave me immense personal satisfaction to be able to do that. It gave me an opportunity to express in actions, even beyond words, my love for my daughter and for all my children, since I would have done the same thing for any one of them, if I were a suitable donor.

What began as a personal struggle for Sue and for me has become a positive crusade. What we viewed as the gift of a kidney, we now see as a gift of life and renewed vitality, and it is something we simply must share with others.

I have challenged each Senator in this body to think carefully about his or her willingness to donate a lifesaving organ and to sign a donor card. I pass that challenge on to the Senators' staffs as well. I have also challenged my own staff to consider signing a donor card and to let their families know of their wishes. Donor cards are available in my office for anyone who is interested.

By reviewing our personal feelings about organ donation, we will become more aware of the potential to improve and save others lives. I am hopeful that as National Organ and Tissue Donor Awareness Week approaches, we will be leaders in spreading the word about the gift of life.●

By Mr. WARNER (for himself, Mr. LUGAR, Mr. DIXON, Mr. BENTSEN, Mr. BRADLEY, Mr. PELL, Mr. STENNIS, Mr. BOREN, Mr. MURKOWSKI, Mr. BURDICK, Mr. THURMOND, Mr. WIRTH, Mr. PRYOR, Mr. BREAUX, Mr. DOMENICI, and Mr. HEFLIN):

S.J. Res. 256. Joint resolution to designate March 18, 1988, as "National Energy Education Day"; to the Committee on the Judiciary.

NATIONAL ENERGY EDUCATION DAY

Mr. WARNER. Mr. President, I rise to bring to the attention of my colleagues the importance of energy education in our Nation's schools, and to ask that they join me in designating March 18, 1988, as "National Energy Education Day."

The task of increasing our student's awareness of energy issues and conservation efforts will be a long one, but one to which we must dedicate ourselves.

This important commemorative day will bring deserved attention to the growth of energy education during the past year.

Our Nation's schools are best equipped to accomplish this goal, and many have taken an innovative step and included energy education programs in their curriculum.

I expect that approximately 10,000 schools across the country will culminate months of planning and preparation with several days of activities celebrating the NEED 1988 theme, "Expanding America's Energy Horizons."

Through energy education and a better understanding of the many choices and limitations that face our energy future, our children will be more prepared to make informed choices to promote our energy independence and security in the years ahead.

Since Congress started NEED in 1980 to highlight the importance of

energy education, thousands of schools have benefited from the yearly program.

A network of thousands of State, regional, and local NEED committees have organized to provide energy educators with information on energy issues and to encourage and recognize their efforts.

Mr. President, I urge my colleagues to join me in cosponsoring this resolution so that we may spread the work of the NEED program through celebrations and activities on March 18, 1988.

By Mr. HUMPHREY (for himself, Mr. D'AMATO, Mr. MOYNIHAN, Mr. BRADLEY, Mr. ARMSTRONG, Mr. GLENN, Mr. KERRY, Mr. DURENBERGER, Mr. DOLE, Mr. SYMMS, Mr. BUMPERS, Mr. HECHT, Mr. GORE, Mr. DECONCINI, Mr. WALLOP, Mr. WILSON, Mr. MURKOWSKI, Mr. SIMON, Mr. MCCLURE, Mr. BOSCHWITZ, Mr. KARNES, Mr. REIGLE, Mr. PROXMIRE, Mr. TRIBLE, Mr. BIDEN, Mr. CHAFEE, Mr. LUGAR, Mr. DOMENICI, Mr. MCCAIN, Mr. PRYOR, Mr. QUAYLE, Mr. LAUTENBERG, Mr. DODD, Mr. DIXON, Mr. ROCKEFELLER, Mr. SHELBY, Mr. HELMS, Mr. BOREN, Mr. BURDICK, Mr. GRASSLEY, Mr. PRESSLER, Mr. NICKLES, Mr. HATCH, Mr. COCHRAN, and Mr. GRAHAM):

S.J. Res. 257. A joint resolution to authorize and request the President to issue a proclamation designating March 21, 1988, as "Afghanistan Day," a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces; referred to the Committee on the Judiciary.

AFGHANISTAN DAY RESOLUTION

● Mr. HUMPHREY. Mr. President, on behalf of 44 colleagues, and on my own behalf, I am introducing a resolution authorizing the President to designate March 21 as "Afghanistan Day."

The purpose of Afghanistan Day is to commemorate the valiant struggle of the Afghan people against the vicious Soviet occupation. It is my hope that this is the last such resolution that the Congress will have to consider. However, I am confident that so long as Soviet troops occupy Afghanistan, the American people and Congress will continue to show unwavering support for their cause.

December 27, 1987 marked the eighth anniversary of the Soviet invasion of Afghanistan. According to a recent report financed in part by the French Government, more than 1.24 million Afghans have died as a result of Soviet policies in Afghanistan. Last October, the Congressional Task Force on Afghanistan held an exhaustive hearing on human rights in Afghanistan. We learned that despite the much heralded Soviet policy of "national reconciliation," the situation with regard to human rights in Afghanistan continued to deteriorate in 1987.

On the battlefield, the Afghan freedom fighters have performed with greater and greater effect. The past year saw a series of successive resistance victories. Due to the unwavering determination of the Afghan people, Soviet leader Mikhail Gorbachev has publicly announced that he may withdraw his troops as early as May 1988. However, at this critical juncture, we must ensure that any negotiated political settlement does not jeopardize the hard fought gains of the Afghan freedom fighters.

The Soviet Union has repeatedly stated its willingness to withdraw troops from Afghanistan. In the past, the Soviets have even staged false troop withdrawals. These deceptive charades have been unanimously denounced by both Houses of the U.S. Congress.

In our eagerness to see Afghanistan free from Soviet occupation, we must ensure that we proceed very cautiously. Specifically, we must ensure that the United States does not abandon the Afghan resistance prior to the complete withdrawal of Soviet troops from Afghanistan. I would call to the attention of my colleagues editorials from the Washington Post, the New York Times, the Washington Times, and the Wall Street Journal. Each of these editorials states that we should not cease all aid to the Afghans as the first Soviet soldier leaves Afghanistan. We have no right to endanger the gains the Afghans have made at a terrible price to their nation.

Mr. President, this is an extremely important resolution. At this critical time, we must show our unanimous solidarity with the struggle of the Afghan people. I hope that each of my colleagues will add their names as cosponsors to this resolution.

I ask unanimous consent that the editorials I have mentioned be reproduced in the RECORD along with the text of my resolution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 257

Whereas more than eight years after the Soviet invasion, more than one hundred and twenty thousand Soviet troops are waging war against the Afghan people, with 30,000 more positioned in contiguous areas of the Soviet Union, available for use against the Afghan population;

Whereas the United Nations General Assembly by increasing majorities has in nine annual resolutions called for the "immediate withdrawal of foreign troops from Afghanistan";

Whereas Soviet policies in Afghanistan are directly responsible for driving more than five million Afghans into foreign exile, creating the largest refugee population in the world, and for the deaths of more than one million Afghans;

Whereas a recent report of the Independent Council on International Human Rights, as distributed to the United Nations by the United States Mission as an official document, finds "there is considerable evidence that genocidal acts have been committed against the Afghan people by the combined forces of the DRA (Democratic Republic of Afghanistan) and the Soviet Union";

Whereas Kabul regime aircraft violated Pakistan's airspace more than 574 times during 1987, killing more than 183 innocent people and wounding more than 437;

Whereas over 450 Soviet and Kabul-inspired terrorist incidents took place in Pakistan during 1987, in circumstances calculated to cause the deaths of innocent civilians;

Whereas Public Law 100-204 declares it to be the policy of the United States to support a negotiated settlement to the Afghanistan war providing for the prompt withdrawal of all Soviet forces from Afghanistan within a time frame based solely on logistical criteria; and to communicate clearly to the government and people of the Soviet Union the necessity of a Soviet withdrawal from Afghanistan as a condition for better relations between the United States and the Soviet Union;

Whereas on May 16, 1985, the Afghan Resistance took an historic step by forming the Islamic Unity of Afghan Mujahideen, representing a unified coalition of the major Afghan organizations dedicated to ending the Soviet occupation;

Whereas, as enunciated by the President of the United States following a meeting with the President of the Afghan Resistance Alliance, any negotiated settlement to the war in Afghanistan that is unacceptable to the Resistance is destined to fail;

Whereas the Afghan Resistance continues to control more than seventy-five percent of the territory of Afghanistan, despite more than eight years of brutal warfare;

Whereas in a statement on November 12, 1987 the President stated: "The support that the United States has been providing the Resistance will be strengthened rather than diminished, so that it can continue to fight effectively for freedom";

Whereas, since the Soviet invasion of Afghanistan, the Congress has in numerous resolutions declared the solidarity of the American people with the struggle of the Afghan people against the Soviet invaders;

Whereas the people of Afghanistan observe March 21 as the traditional start of their New Year and as a symbol of their nation's rebirth: Now, therefore, be it:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating March 21, 1988, as Afghanistan Day, and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

[From the Washington Post, Jan. 10, 1988]

LET SOVIET WITHDRAWAL BEGIN

The talk is that the Soviet Union is ready to cut its losses and pull out of Afghanistan later this year without waiting to set up a government in which the place of local communists would be ensured. Good. Let the withdrawal begin. Up to now the Soviets have stated a determination to create a "coalition" and to promote "national reconcilia-

tion" among warring Afghans before departing. These euphemisms for ensuring a place for local communists have been a mask for staying on. If the Kremlin has dropped the mask and is prepared to leave its clients in Kabul to contend for what power they can earn with their own resources, termination of the Soviet invasion is within sight, though the war of the Afghans may go on longer.

A certain equation is made between Soviet support of one set of Afghans and Americans support of another, and on this basis some people expect the United States to conduct a matching cutoff of aid to the resistance. But the basis for a cutoff should be a Soviet withdrawal making moot the purpose—repelling an invasion—for which aid is rendered. Practically speaking, aid should taper off as withdrawal progresses. The American purpose is not to harass or further humiliate the departing Soviets but to make sure they don't change their mind. As we note, Afghans may have scores to settle among themselves. Both sides have stockpiled weapons against the day that Soviet troops leave and American and other foreign aid ends. How they use these weapons may not be much influenced by outsiders' exhortations for peace.

Something basic needs to be better understood here. Afghanistan is a Soviet-American "regional dispute" in the sense that it's in a region and is in dispute between the great powers, but it's *not* a regional dispute in the sense that the Soviet Union has a right to claim for its proxies some share of the power. The Kremlin was wrong to invade Afghanistan eight bloody years ago, and it has no right to demand any particular internal result. If fairness were the measure of these things, Afghans would have a right to demand far-reaching internal changes in the Soviet Union to prevent another invasion.

The Soviet Union says it does not seek a pro-Soviet regime and asks the United States to say it does not seek a pro-American regime. This is fine. The "free, nonaligned and neutral" Afghanistan Moscow says it wants is what Washington wants. The way to get from here to there is for Soviet troops to withdraw.

[From the Washington Post, Dec. 13, 1987]

OUT OF AFGHANISTAN

In a midsummit interview, President Reagan suggested that Mikhail Gorbachev had abandoned the Soviet Union's traditional global ambitions. But you can't yet prove it in the Persian Gulf, where Mr. Gorbachev turns his back on his pledge to penalize Iran for its thwarting of peace, and least of all in Afghanistan, where he evaded Mr. Reagan's call to set a date for full expeditious withdrawal of the 120,000 Soviet occupying troops. Instead, he inserted the unacceptable condition that, as withdrawal begins, the United States must start cutting off arms and "financial supplies" to the resistance. Moscow's own Afghan clients would evidently continue to be eligible for arms and aid.

The two men were at pains to emphasize that the line between them remains open on the Afghan question. Their readiness to keep talking about issues that resist solution was one of the more satisfying results of the summit. Openness to discussion, however, cannot conceal Mr. Gorbachev's persisting refusal to face up to the mistake the Kremlin made—and, more important, the crime it committed—in invading Afghanistan. It is not simply that the Soviet army has been mauled and pinned down by guerrillas, but that the Soviet army has no right to be in Afghanistan. It is committing aggression. It has spent eight years killing and uprooting the Afghan people and destroying their land.

This is why the face-saving exit Mr. Gorbachev may well be looking for probably doesn't exist. Face-saving requires setting up a new government, or interim government, that, as he said in Washington, is neither pro-Soviet nor pro-American, that is nonaligned, neutral. On superficial reading, it may sound fine to some. But, unsurprisingly, there apparently is nothing in the Afghan spectrum that could be called pro-Soviet in the sense of an element that could survive without heavy armed guard. That is why so far all Soviet withdrawal formulas rest on a demand for military advantage to offset political weakness. Sometimes "communists" and "fundamentalists" are posed as matched extremes that might be traded off against each other. But fundamentalists have a following that equips them for a political role, and communists, discredited by their tie to a brutal foreign invader, do not.

Diego Cordovez, the United Nations' mediator, is hunting for a political way out. Maybe he will find one. It remains to be shown, however, that Mr. Gorbachev has any option that does not proceed from Mr. Reagan's promise to play a helpful role if the Soviets will but get out.

[From the New York Times, Feb. 12, 1988]

THE GREAT GAME GOES ON

(By A.M. Rosenthal)

Mikhail Gorbachev faces a challenge entirely worthy of his abilities as a master politician.

The task before him is to make sure that a withdrawal of Soviet forces from Afghanistan, if it takes place, does not diminish full Soviet control of the country.

His predecessors spilled Soviet blood to invade Afghanistan. Mr. Gorbachev will build on what they achieved—Soviet domination of Afghanistan for the first time in history. He will struggle to keep Soviet control without more cost in Soviet lives. If he succeeds he will be a hero at home and in the world and still maintain Soviet power in South Asia.

You do not have to be a cynic or even particularly skeptical about Mr. Gorbachev to realize that this is his immediate goal. He already has established much of the political and military structure in Afghanistan necessary to achieve it. This will be left behind when Soviet troops march out.

He would fail in his duty as guardian of Soviet power if he did not at least try. He would be turning his back on what Moscow historically has believed are deep Russian interests in Afghanistan. He would be betraying the Soviet Army's sacrifices. He could not last long in power if he just gave up and walked away from Afghanistan.

For almost 200 years, Russian rulers, Czarist or Bolshevik, have tried to conquer Afghanistan. Kipling called it "the Great Game."

Now, control of Afghanistan puts the Soviet empire at the doors of the Indian subcontinent. Moscow need not invade Pakistan and India. All it has to do is knock firmly; it will be heard.

Afghanistan also puts Soviet power within tank distance of the warm waters of the Indian Ocean. From Afghanistan, the Soviet Union can move deep into Iran. A true prize, Afghanistan, for a great imperial power.

But the Afghan resistance made Moscow pay a price: 10,000 Soviet lives, a wound that never was stanched, bitterness in the mouths of Soviet parents, Mr. Gorbachev is flexible enough to see that perhaps control can now be maintained without the Red Army and that in the future only Afghan blood need be shed.

Soviet troop withdrawal will leave behind a puppet Government whose ministries are laced with Soviet "advisers." This regime has international recognition. It also has a well-trained army, years of military supplies, and a Soviet-created air force. It has a powerful secret police with close ties to the K.G.B. It has the prospect of unending Soviet-bloc economic assistance.

The Afghan resistance will find itself alone, with the U.S. military assistance that has kept it fighting. It will be under pressure to join a Communist-dominated government. If it does not the world will shake its finger, call them naughty and turn away.

One million Afghans have died. Five million, a third of the nation, are in exile. The Afghans deserve an honorable peace. It is up to the United States, which profited from the stunning bravery of the Afghan resistance, to struggle for it.

1. Moscow must agree to meet with the Afghan resistance. Three countries—the U.S., Pakistan, the Soviet Union—are determining the fate of a fourth. Something like this happened once before, in 1938, in Munich.

2. The U.S. should try to wiggle out of its incredible commitment to end aid to the resistance when the Russians begin to pull out, replacing it with a phased cutoff.

3. The withdrawal agreements should remove not just Soviet troops but the small army of "experts."

4. The powerful Soviet air and communication bases must be dismantled, not turned over to Kabul and the "experts."

5. Territory along the Soviet-Afghan frontier that has been annexed de facto by Moscow should be returned. So should the 10,000 Afghan children in the Soviet Union.

6. The secret police should be disbanded.

7. Afghanistan should be ruled not by the Kabul regime but by an interim government selected by a traditional council of elders in which Kabul would be a participant—along with resistance politicians and military leaders and representatives of Afghan clans and refugees. The permanent government should be chosen by an election in which the Communists can run, after the millions of refugees return.

This would mean a concession by the resistance, which loathes the Communists and wants them out or dead, preferably both. It would also mean the end of total Soviet domination.

It would be a new, more difficult challenge for Mr. Gorbachev—to show whether in the end he will choose peace for Afghanistan or is just playing another card in the game.

[From the Washington Times, Dec. 28, 1987]

AFGHANISTAN, EIGHT YEARS LATER

Yesterday marked the eighth anniversary of the Soviet Union's invasion of Afghanistan. During the eight-year war of conquest, the Soviets have killed 1.2-1.5 million Afghans, roughly a tenth of the pre-war population. Another 5 million people have been driven from Afghanistan and an additional

1.5 million are refugees within their own country.

But despite the modern weaponry of the Red Army and the genocidal tactics of killing combatants and civilians alike, the Soviets have failed to defeat the freedom fighters and win control of Afghanistan. Moscow's recent diplomatic overtures have caused some to believe that Mr. Gorbachev is seeking a face-saving way out, while others suggest that the party of Lenin is trying to win diplomatically what it has been unable to achieve militarily.

The State Department has been working strenuously for a political settlement. Under-secretary of State Michael Armacost has indicated that the main sticking point is the development of a firm timetable for the removal of the 115,000 Soviet troops in the country. The Soviets, who took just two weeks to invade Afghanistan, say they will need 12 months to pull out. But they want the United States to cut off all arms to the Afghan resistance at the outset—not the conclusion—of their withdrawal.

This formula would turn the resistance into sitting ducks. The Soviets have given assurance that they would cease attacking the resistance on the first day of the withdrawal period and would only fight in self-defense. But the Soviets have in the past found pretexts to describe offensive moves as "defensive." And the present assurances of withdrawal from Afghanistan bear more than a passing similarity to statements made since 1980—by Soviet leaders from Brezhnev to Gorbachev—about Kremlin decisions to withdraw.

President Reagan, in an interview just before the summit, rejected even a temporary cutoff of aid to the Afghan resistance so long as "the puppet government that has been left there has a military." Mr. Reagan's statement described a sound policy. Unfortunately, Mr. Armacost and other State Department officials, as they quickly pointed out, don't consider that to be their policy.

Mr. Armacost says the United States is committed to the "understandings" being negotiated between Pakistan and the Kabul puppet regime in Geneva. Translated, that means that the resistance would get cut off on the first day of the withdrawal period.

Congressional sources, smelling a sellout, say that although portions of a draft agreement have been initialed in the U.N.-sponsored Geneva talks, the resistance has never been shown the documents or been adequately briefed. As his recent policy "misstatement" confirms, Mr. Reagan has also been kept in the dark. Deputy Assistant Secretary of State Robert Peck reluctantly admitted in congressional testimony last year that although the State Department has offered to guarantee an agreement reached in Geneva with a U.S. arms cutoff, this was done without the awareness of the President—but with the approval of Secretary of State George Shultz.

President Reagan's sound instinct is that America's policy must be to end the Soviet invasion of Afghanistan on terms set by the freedom fighters, not by Moscow. But State Department policy toward the Afghan freedom fighters appears to be based on a bizarre form of "linkage." A memo written earlier this year by Richard Solomon, State's director of policy planning, reportedly argues that to achieve arms control agreements with the Soviet Union, the United States must work to resolve regional conflicts in which we support anti-Soviet guerrillas. This precisely reverses past American policy, which tried to make arms control agreements contingent upon Soviet good behavior—cutting ties with proxy armies throughout the globe, elimination of Soviet funding for terrorist groups, etc. Mr. Solomon undoubtedly sought to pursue reverse linkage when during the summit he had talks on "regional questions" with Yevgeny Primakov, a senior adviser to Mr. Gorbachev on Afghanistan.

The Afghan freedom fighters have not battled and suffered for eight years in order to become a "regional question" resolved in bilateral superpower talks from which they are excluded. Instead, the Afghanistan experience should demonstrate the grave and very real limits of glasnost. If indeed the Soviet Union is ready to embark upon a new path as a constructive world power, it will stop financing terror and totalitarian rule throughout the world. But as the flow of arms and money to places like Nicaragua, Angola and Afghanistan show, Mr. Gorbachev remains a "traditional" Soviet leader in the sense that he still pursues the Leninist aim of world revolution.

Mr. Gorbachev can solve his Afghanistan problem tomorrow. He can leave. If he wants to arrange an orderly exit, he should negotiate with the freedom fighters he has been killing. The resistance, wisely, will not agree to give up its weapons before all the Soviet invaders have left. Ronald Reagan obviously has believed that this was his policy all along. He should mark the eighth anniversary of the Afghanistan invasion—and honor the millions who have died in the quest for freedom—by ordering his State Department minions to make it their policy, too.

[From the Wall Street Journal, Dec. 30, 1987]

THE AFGHANS STRIKE BACK

The Red Army is celebrating its eighth anniversary in Afghanistan this week by attempting to relieve a besieged Soviet garrison at Khost, near the Pakistan border. Even with hundreds of trucks and several thousand soldiers, the Soviets reportedly still haven't broken through Afghan resistance after three weeks. Is what we're hearing the sound of a crack forming in the Soviet empire?

The quick answer is certainly no. The Soviets will eventually open the road to Khost, and even if they don't they will retain an overwhelming advantage over the mujahadeen in firepower. In the longer run, however, the heroic struggle waged by the Afghan freedom fighters these past eight years sends the world the powerful message that Soviet power can be resisted successfully. The very least the U.S. can do is to resist dubious Soviet promises to "withdraw" from Afghanistan if the U.S. will stop aiding the freedom fighters.

The long battle for Khost is one indication of a startling change in the Afghan war—if the Soviets aren't yet losing, they are clearly bleeding more heavily. Armed with Stinger antiaircraft weapons supplied by the U.S., the rebels have challenged Soviet air superiority. By some accounts, the Soviets are losing a plane or helicopter nearly every day. The rebels (perhaps as many as 150,000 in the field) are also better organized and trained than ever. Morale is high, according to accounts from Afghanistan by our own William McGurn and others.

The 115,000 Soviet troops, on the other hand, have had to retreat to their earlier tactic of traveling mainly in heavily armed convoys. They remain secure inside garrisons like the one at Khost, but even these strongholds would be threatened if the rebels had access to mine-clearing equipment and long-range mortars. Since late November, the U.S. has supplied some rebels, on an experimental basis, with a mine-clearing device known as primacord. Essentially a long rope with an explosive charge, the device could clear paths through the mine fields that now protect the garrisons. To our mind, the only question is why this equipment wasn't supplied to all the rebels years ago.

The increase in Soviet casualties is getting noticed in Moscow, too. The press, which once ignored any news about Afghanistan, now talks about veterans and even current battles. Most intriguing of all, a Soviet peace movement seems to have sprung up. Last weekend, the KGB broke up antiwar demonstrations in Moscow and Leningrad. The protesters, who said they were denied a permit but marched anyway, carried banners that read, "Bring our children back alive from Afghanistan" and "Peace on earth and Afghanistan." Discovering the limits of glasnost, most were arrested and beaten.

All of which brings us back to the Soviet desire to "withdraw." No doubt Mr. Gorbachev is sincere in describing Afghanistan as a "bleeding wound," but that's a long way from letting Afghans determine their own future. As a good Leninist, Mr. Gorbachev understands that an empire built on force begins to crumble the moment its subjects no longer fear its power. He knows, and fears, the kind of message an unconditional Soviet withdrawal would send to Poles, Estonians, Moslems in Central Asia, and others intimidated by the Red Army. Mr. Gorbachev may want to bring the boys back home, but only if any government left behind in Kabul is subservient to the Kremlin.

Indeed, by some accounts the Soviets have worked steadily since 1979 to ensure Soviet influence even without troops. In a recent speech, Elie D. Krakowski, the Pentagon's director of regional defense, noted that in the northern provinces and major cities, the Soviets have stressed economic investment, cultural exchanges and the common ethnic heritage of the Tajiks and Uzbeks on both sides of the Soviet border. Only closer to the border with Iran and Pakistan—where most of the war has been fought—have the Soviets pursued their terror policy of razing villages to encourage refugees.

As Moscow dangles hope of "withdrawal," the U.S. should keep in mind what the Afghan resistance is willing to accept. The latest Soviet proposal is for its troops to take a year to withdraw, though it took them only a week to invade, Mr. Gorbachev also wants all foreign aid to the resistance ended before his troops go home. The resistance rightly considers this a formula that would guarantee the Soviets a monopoly of power in any government transition.

A few critics insist the U.S. is too eager to "fight to the last Afghan," but the point to remember is that it is the Afghans themselves who want to fight. U.S. support for their resistance is a rare case in contemporary Washington of a successful bipartisan policy. It would be a tragedy, both strategic and moral, if we abandoned their cause before every member of the Red Army had left their country.●

By Mr. THURMOND (for himself, Mr. PRYOR, Mr. LEVIN, Mr. HELMS, Mr. HOLLINGS, Mr. DOMENICI, Mr. GORE, Mr. MITCHELL, Mr. KASTEN, Mr. PROXMIRE, Mr. BINGAMAN, and Mr. DURENBERGER):

S.J. Res. 258. Joint resolution expressing the sense of the Congress that the people of the United States should purchase products made in the United States and services provided in the United States, whenever possible, instead of products made or services performed outside the United States; to the Committee on Commerce, Science, and Transportation.

URGING CONSUMERS TO BUY AMERICAN-MADE GOODS AND SERVICES

Mr. THURMOND. Mr. President, today I am introducing a joint resolution to promote the purchasing of American products. Senators PRYOR, HELMS, HOLLINGS, GORE, PROXMIRE, BINGAMAN, KASTEN, LEVIN, MITCHELL, DURENBERGER, and DOMENICI have also joined me as original cosponsors. As we all know, foreign imports have captured a large percentage of the American market, as evidenced by our ever-growing trade deficit. This deficit has led to the loss of over 2 million vital jobs in this country between 1981 and 1987.

Foreign countries realized years ago the potential buying power of the American public. They have flooded our markets with products that are oftentimes subsidized and produced at minimal wages.

We must now remind the American public that products made in the U.S.A. provide us with our most treasured asset—jobs. Each time we purchase a product that is manufactured in this country, we are providing a boost to our economy and are helping prevent the exportation of American jobs.

Mr. President, the principle this joint resolution is based upon is quite simple and common: "Do not bite the hand that feeds you." If the American manufacturing base continues to decline due to lack of sales, so will employment and the high standard of living we all enjoy.

However, I feel if the American people become aware of the impact each purchase can have, they will begin checking each and every label and thereupon make the right choice.

Mr. President, I strongly urge my colleagues to adopt this joint resolution.

Mr. PRYOR. Mr. President, recently during my travels around Arkansas I met a man outside a hardware store in the eastern part of the State. He appeared to be in his late forties and as I talked with him I learned that he had lost his job at an apparel plant that had closed down the year before and had been unable to find permanent work elsewhere. This gentleman was not well-educated and would not be a candidate for a high-tech type of job. As a result, he had been trying to make do with a series of low-paying, temporary jobs.

His story was not unusual. A number of textile, apparel, and shoe plants have had to close their doors in Arkansas over the past few years, reducing the number of jobs available and flooding the market with experienced workers.

On one day alone late in 1984, my State lost 1,886 jobs when textile plants in two towns on opposite sides of the State were shut down. Unfortunately, these closings had become an all too common occurrence in Arkansas. Since 1982 we have had textile, apparel, and footwear plant closings in Brinkley, Conway, Heber Springs, Tyronza, Little Rock, Stuttgart, Batesville, Crossett, Dermott, Forrest City, Leachville, Marianna, Mayflower, Beebe, Mena, Arkadelphia, Star City, Osceola, Piggott, Paragould, Monticello, my hometown of Camden, Hampton, Augusta, Morrilton, Menifee, Manila, Paris, and Pine Bluff.

In 1970, Arkansas firms employed 4,200 textile workers, 16,000 apparel workers, and 7,590 shoe workers. Last year that number had shrunk to 1,800 textile workers, 10,700 apparel workers, and 4,920 shoe workers.

In addition, the agricultural, timber, and oil sectors of our economy have become depressed and offer little or no employment opportunity.

The gentleman I talked with in Arkansas was typical of many of the recently unemployed. He was not looking for sympathy or a hand out, but he did have a number of very sensible questions concerning our trade policy: Did I think it was fair that U.S. workers were competing against foreign workers who received only a few dollars a day and worked under sweatshop conditions? Were the TV reports true that other countries were keeping U.S. goods out of their markets? Finally, he politely asked the bottom-line question. What was our Government going to do about it?

The joint resolution we are introducing today does not solve all these problems. It is not a substitute for a comprehensive trade bill which I hope we will adopt soon. However, this joint resolution recognizes the natural patriotism of the American people and their concern and desire to do something about our national trade problem given the opportunity.

Our joint resolution would ask public officials, civic leaders, and organizations to educate the American people on the importance of "Buying American"; whenever feasible.

To be honest, it's not an idea that's original to those of us introducing the joint resolution today. In Arkansas we've already seen the Buy-America concept instituted and proven by the man just recently listed as the richest man in America. Sam Walton of Bentonville, AR, the founder and chairman of Wal-Mart stores, announced in March 1985 his own Buy-America program. Mr. Walton has worked with American manufacturers to provide the leadtimes, specifications, levels of cooperation, and assured markets necessary to them to install the improved equipment and machinery necessary to increase their productivity and product quality while offering the lowest possible price. He has proven the value of working to develop American suppliers rather than turning automatically to those overseas. The idea of a national Buy-America resolution was first brought to me earlier this year by another Arkansan, Mr. Harold Jinks of Piggott, AR, who has dedicated his adult life to public service.

Our joint resolution is a simple one. It calls on the President, the Governors, and the mayors to promote the "Buy-American" concept by issuing proclamations calling on the American people to support American manufacturing and service providers. It also requests civic leaders, consumer organizations, the mass media, and manufacturers to do all they can to promote awareness of the origin of goods and services and the importance of selecting American-made goods and services.

As I said before, we realize that such a joint resolution cannot by itself erase our trade deficit. However, we believe the American people are patriotic and are concerned about doing their part to protect American industries and jobs. When given the choice, our people want to be able to buy an American product.

Whether it be an automobile or a blouse, a television set or a tractor, the American consumer makes millions of purchases each day. We hope you will join us in our campaign to influence these purchase decisions and thus save the jobs of thousands of working men and women in this country.

ADDITIONAL COSPONSORS

S. 675

At the request of Mr. MITCHELL, the names of the Senator from New Hampshire [Mr. RUDMAN], the Senator from Rhode Island [Mr. PELL], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Connecticut [Mr. WEICKER] were added as cosponsors of S. 675, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990 1991, and 1992.

S. 714

At the request of Mr. SPECTER, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from California [Mr. WILSON] were added as cosponsors of S. 714, a bill to recognize

the organization known as Montford Point Marine Association, Inc.

S. 783

At the request of Mr. HEINZ, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 783, a bill to amend the Tariff Schedules of the United States to correct the tariff rate inversion on certain iron and steel pipe and tube products.

S. 1052

At the request of Mr. SPECTER, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1052, a bill to establish a National Center for the U.S. Constitution within the Independence National Historical Park in Philadelphia, PA.

S. 1505

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 1505, a bill to enforce the obligation of broadcasters to meet the educational and informational needs of the child audience and for other purposes.

S. 1522

At the request of Mr. RIEGLE, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Missouri [Mr. DANFORTH], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 1522, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage certificates may be issued.

At the request of Mr. RIEGLE, the name of the Senator from New Jersey [Mr. BRADLEY] was withdrawn as a cosponsor of S. 1522, supra.

S. 1586

At the request of Mr. KERRY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1586, a bill to provide financial assistance under the Education of the Handicapped Act to assist severely handicapped infants, children, and youth to improve their educational opportunities through the use of assistive device resource centers, and for other purposes.

S. 1595

At the request of Mr. DOMENICI, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1595, a bill to amend title 5, United States Code, to provide for the establishment of a voluntary leave transfer program for Federal employees, and for other purposes.

S. 1673

At the request of Mr. CHAFEE, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1673, a bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes.

S. 1785

At the request of Mr. DIXON, the names of the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Nevada [Mr. REID], the Senator from North Dakota [Mr. BURDICK], the Senator from Massachusetts [Mr. KERRY], the Senator from Louisiana [Mr. BREAUX], the Senator from Montana [Mr. MELCHER], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 1785, a bill to amend section 601 of title 17 of the United States Code, the Copyright Act.

S. 1830

At the request of Mr. SANFORD, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 1830, a bill to amend title II of the Social Security Act to provide for a more gradual period of transition—and a new alternative formula with respect to such transition—to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as they apply to workers born in years after 1916 and before 1930—and related beneficiaries—and to provide for increases on their benefits accordingly, and for other purposes.

S. 1969

At the request of Mr. HEINZ, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1969, a bill to provide improved programs for training and self-employment in the case of unemployment compensation.

S. 2003

At the request of Mr. GRAMM, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Mississippi [Mr. COCHRAN], the Senator from Colorado [Mr. ARMSTRONG], the Senator from Louisiana [Mr. BREAUX], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from California [Mr. WILSON], the Senator from Virginia [Mr. WARNER], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 2003, a bill to amend the Internal Revenue Code of 1986 to exempt from tax diesel fuel used for farming purposes.

S. 2009

At the request of Mr. DOLE, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 2009, a bill to establish a national advisory council on children's issues, to provide a Federal-State Child Care Grant Program, and for other purposes.

S. 2015

At the request of Mr. KENNEDY, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 2015, a bill to amend the Immigration and Nationality Act to extend for 1 year the application period under the legalization program.

S. 2042

At the request of Mr. DURENBERGER, the names of the Senator from Tennessee [Mr. GORE] and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 2042, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

SENATE JOINT RESOLUTION 197

At the request of Mr. DOLE, the name of the Senator from Washington [Mr. EVANS] was added as a cosponsor of Senate Joint Resolution 197, a bill to designate the month of April 1988, as "Prevent-A-Litter Month."

SENATE JOINT RESOLUTION 199

At the request of Mr. BYRD, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 199, a joint resolution to designate the month of May 1988, as "Trauma Awareness Month."

SENATE JOINT RESOLUTION 212

At the request of Mr. DIXON, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Minnesota [Mr. DURENBERGER], the Senator from North Carolina [Mr. SANFORD], the Senator from Missouri [Mr. BOND], the Senator from North Carolina [Mr. HELMS], the Senator from Michigan [Mr. LEVIN], the Senator from Iowa [Mr. GRASSLEY], the Senator from Georgia [Mr. NUNN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Idaho [Mr. MCCLURE], the Senator from Maine [Mr. MITCHELL], the Senator from Virginia [Mr. WARNER], the Senator from Missouri [Mr. DANFORTH], the Senator from Vermont [Mr. STAFFORD], the Senator from Arizona [Mr. DECONCINI], the Senator from California [Mr. WILSON], the Senator from Florida [Mr. CHILES], the Senator from Illinois [Mr. SIMON], the Senator from Mississippi [Mr. STENNIS], the Senator from Alabama [Mr. SHELBY], the Senator from Colorado [Mr. WIRTH], the Senator from Connecticut [Mr. DODD], the Senator from Virginia [Mr. TRIBLE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Montana [Mr. BAUCUS], the Senator from Ohio [Mr. GLENN], the Senator from South Carolina [Mr. THURMOND], the Senator from Arkansas [Mr. PRYOR], the Senator from Kansas [Mr. DOLE], the Senator from Connecticut [Mr. WEICKER], the Senator from New York [Mr. MOYNIHAN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Wash-

ington [Mr. ADAMS], the Senator from New Jersey [Mr. BRADLEY], the Senator from Texas [Mr. BENTSEN], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Georgia [Mr. FOWLER], the Senator from New Mexico [Mr. DOMENICI], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Delaware [Mr. ROTH], the Senator from Idaho [Mr. SYMMS], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 212, a joint resolution to designate the period commencing May 8, 1988, and ending on May 14, 1988, as "National Tuberous Sclerosis Awareness Week."

SENATE JOINT RESOLUTION 224

At the request of Mr. HECHT, the names of the Senator from Delaware [Mr. BIDEN] and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 224, a joint resolution to designate the period commencing on September 5, 1988, and ending on September 11, 1988, as "National School Dropout Prevention Week."

SENATE JOINT RESOLUTION 235

At the request of Mr. DECONCINI, the names of the Senator from Montana [Mr. MELCHER], the Senator from Tennessee [Mr. GORE], the Senator from Virginia [Mr. TRIBLE], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 235, a joint resolution deploring the Soviet Government's active persecution of religious believers in Ukraine.

SENATE JOINT RESOLUTION 244

At the request of Mr. EXON, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from New York [Mr. MOYNIHAN], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Joint Resolution 244, a joint resolution to designate the month of April 1988 as "National Know Your Cholesterol Month."

SENATE JOINT RESOLUTION 246

At the request of Mr. DECONCINI, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 246, a joint resolution to designate the month of April 1988 as "National Child Abuse Prevention Month."

SENATE JOINT RESOLUTION 247

At the request of Mr. BRADLEY, the names of the Senator from Maine [Mr. MITCHELL], the Senator from South Carolina [Mr. THURMOND], the Senator from Washington [Mr. EVANS], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 247, a joint resolution to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day."

SENATE JOINT RESOLUTION 248

At the request of Mr. QUAYLE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 248, a joint resolution to designate the week of October 2, 1988, through October 8, 1988, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 249

At the request of Mr. RIEGLE, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Arkansas [Mr. BUMPERS], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Ohio [Mr. GLENN], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Florida [Mr. GRAHAM], the Senator from Nevada [Mr. REID], the Senator from Delaware [Mr. BIDEN], the Senator from Oklahoma [Mr. NICKLES], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New Jersey [Mr. BRADLEY], the Senator from Indiana [Mr. LUGAR], the Senator from Michigan [Mr. LEVIN], the Senator from Vermont [Mr. LEAHY], the Senator from North Dakota [Mr. BURDICK], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Delaware [Mr. ROTH], the Senator from Maryland [Mr. SARBANES], the Senator from Illinois [Mr. SIMON], the Senator from California [Mr. WILSON], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Utah [Mr. HATCH], the Senator from Tennessee [Mr. GORE], the Senator from Nebraska [Mr. EXON], the Senator from Arkansas [Mr. PRYOR], the Senator from Nebraska [Mr. KARNES], the Senator from Washington [Mr. ADAMS], the Senator from Hawaii [Mr. INOUYE], the Senator from Arizona [Mr. MCCAIN], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from South Dakota [Mr. PRESSLER], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Vermont [Mr. STAFFORD], the Senator from Virginia [Mr. TRIBLE], the Senator from Connecticut [Mr. WEICKER], the Senator from South Dakota [Mr. DASCHLE], the Senator from Utah [Mr. GARN], the Senator from Iowa [Mr. GRASSLEY], the Senator from Massachusetts [Mr. KERRY], the Senator from Ohio [Mr. METZENBAUM], the Senator from Alaska [Mr. MURKOWSKI], the Senator from South Carolina [Mr. THURMOND], the Senator from Maine [Mr. MITCHELL], the Senator from New York [Mr. D'AMATO], the Senator from Maryland [Ms. MIKULSKI], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. MOYNIHAN], the Senator from Wisconsin [Mr. KASTEN], the Senator from Idaho [Mr. MCCLURE], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Joint Resolution 249, a joint resolution designating June 14, 1988, "Baltic Freedom Day."

SENATE JOINT RESOLUTION 254

At the request of Mr. BURDICK, the names of the Senator from Connecticut [Mr. DODD], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Ohio [Mr. GLENN], the Senator from California [Mr. WILSON], the Senator from Michigan [Mr. LEVIN], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Nevada [Mr. HECHT], the Senator from South Dakota [Mr. DASCHLE], the Senator from Virginia [Mr. WARNER], the Senator from Texas [Mr. BENTSEN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Florida [Mr. CHILES], the Senator from Oklahoma [Mr. NICKLES], the Senator from Georgia [Mr. FOWLER], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Arkansas [Mr. PRYOR], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Oklahoma [Mr. BOREN], the Senator from South Carolina [Mr. THURMOND], the Senator from Colorado [Mr. WIRTH], the Senator from Wyoming [Mr. SIMPSON], the Senator from Vermont [Mr. LEAHY], the Senator from Wisconsin [Mr. KASTEN], the Senator from Maine [Mr. MITCHELL], the Senator from Wyoming [Mr. WALLOP], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Joint Resolution 254, a joint resolution to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as "National Rural Health Awareness Week."

SENATE CONCURRENT RESOLUTION 95

At the request of Mr. HUMPHREY, the names of the Senator from Indiana [Mr. LUGAR] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Concurrent Resolution 95, a concurrent resolution to express the sense of the Congress with respect to the denial of health insurance coverage for disabled adopted children.

SENATE CONCURRENT RESOLUTION 97

At the request of Mr. ADAMS, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Vermont [Mr. LEAHY], the Senator from New Jersey [Mr. BRADLEY], the Senator from North Carolina [Mr. SANFORD], the Senator from Hawaii [Mr. INOUYE], the Senator from Nebraska [Mr. EXON], the Senator from New York [Mr. MOYNIHAN], the Senator from Michigan [Mr. LEVIN], the Senator from Massachusetts [Mr. KERRY], the Senator from Maryland [Ms. MIKULSKI], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Connecticut [Mr. WEICKER],

and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Concurrent Resolution 97, a concurrent resolution to commend the President, the Secretary of State, and the Administrator of the Agency for International Development on relief efforts that have been undertaken by the United States Government for the people in Ethiopia and other affected nations of sub-Saharan Africa, and encourage these officials to continue to extend all efforts deemed appropriate to preclude the onset of famine in these nations, and for other purposes.

AMENDMENTS SUBMITTED

SENATORIAL ELECTION CAMPAIGN ACT

BOREN AMENDMENT NO. 1403

Mr. BOREN proposed a motion to recommit the bill (S. 2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; with instructions to report back forthwith with the following amendment:

Strike all after the enacting clause and insert the following "That this Act may be cited as the "Senatorial Election Campaign Act of 1987".

SEC. 2. The Federal Election Campaign Act of 1971 is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND PUBLIC MATCHING PAYMENTS FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) unless otherwise provided in this title the definitions set forth in section 301 of this Act apply to this title;

"(2) the term 'authorized committee' means, with respect to any candidate for election to the office of United States Senator, any political committee which is authorized in writing by such candidate to accept contributions or make expenditures on behalf of such candidate to further the election of such candidate;

"(3) the term 'candidate' means an individual who is seeking nomination for election, or election to the office of United States Senator and such individual shall be deemed to seek nomination for election, or election, if such individual meets the requirements of subparagraph (A) or (B) of section 301(2);

"(4) the term 'contribution' includes a payment described in section 301(8)(B)(x), made by a State or local committee of a political party, if—

"(A) the sum of the amount of such payment and the total amount of all previous such payments by such committee during the same election cycle exceeds the amount determined by multiplying one cent times the voting age population of the State in which the election is held; or

"(B) if any portion of such payment is used—

"(i) for the purpose of purchasing, leasing, or otherwise procuring, or procuring the use of, any telephone, computer, computer program, or mass mailing equipment; or

"(ii) for any purpose other than the purchase of materials described in section 301(8)(B)(x) which are to be used by individuals in the performance of services described in section 301(8)(B)(i) or are to be distributed by individuals providing such services;

"(5) the term 'election cycle' means—

"(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, such term shall begin on the first day following the date of the last general election and ending on the date of the next election;

"(6) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive payments under this title;

"(7) the term 'expenditure' includes a payment described in section 301(9)(B)(viii), by a State or local committee of a political party if—

"(A) the sum of the amount of such payment and the total amount of all previous such payments by such committee during the same election cycle exceeds the amount determined by multiplying one cent times the voting age population of the State in which the election is held; or

"(B) if any portion of such payment is used—

"(i) for the purpose of purchasing, leasing, or otherwise procuring, or procuring the use of, any telephone, computer, computer program, or mass mailing equipment; or

"(ii) for any purpose other than the purchase of materials described in section 301(9)(B)(viii) which are to be used by individuals in the performance of services described in section 301(8)(B)(i) or are to be distributed by individuals providing such services;

"(8) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(9) the term 'general election period' means the period beginning on the day after the date on which the candidate qualifies for the general election ballot under the law of the State involved and ending on the date of such election or the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first;

"(10) the term 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister, of the candidate and the spouse of any such person and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate's spouse and the spouse of any such person.

"(11) the term 'major party' means 'major party' as defined in section 9002(6) of the Internal Revenue Code of 1986, the Presidential Election Campaign Fund Act, provided that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(12) the term 'primary election' means any election which may result in the selection of a candidate for the ballot of the general election;

"(13) the term 'primary election period' means the period beginning on the day following the date of the last Senate election for the same Senate office and ending on the date of the first primary election for such office following such last Senate election for such office or the date on which the candidate withdraws from the election or otherwise ceases actively to seek election, whichever occurs first;

"(14) the term 'runoff election' means the election held after a primary election, and prescribed by applicable State law as the means for deciding which candidate(s) should be certified as nominee(s) for the Federal office sought;

"(15) the term 'runoff election period' means the period beginning on the day following the date of the last primary election for such office and ending on the date of the runoff election for such office;

"(16) the term 'Senate Fund' means the Senate Election Campaign Fund maintained by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(17) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"ELIGIBILITY TO RECEIVE PAYMENTS

"SEC. 502. (a) To be eligible to receive payments under this title a candidate shall, within 7 days after qualifying for the general election ballot under the law of the State involved or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, as determined by the Commission—

"(1) certify to the Commission under penalty of perjury that during the period beginning on January 1 of the calendar year preceding the year of the general election involved, or in the case of a special election for the office of United States Senator, during the period beginning on the day on which the vacancy occurs in that office, and ending on the date of such certification, such candidate and the authorized committees of such candidate have received contributions in an amount at least equal to 10 cents multiplied by the voting age population of such State or at least equal to $150,001, whichever is greater, up to an amount that is not more than $650,000;

"(2) certify to the Commission under penalty of perjury that all contributions received for purposes of paragraph (1) have come from individuals and that no contribution from such individual, when added to all contributions to or for the benefit of such candidate by such individual, was taken into account to the extent such amount exceeds $250;

"(3) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended and will not expend, for the primary election, more than the amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b) or more than $2,750,000, whichever amount is less, unless such amount is increased pursuant to section 503(g);

"(4) certify to the Commission under penalty of perjury that such candidate has not expended and will not expend for runoff elections, if any, more than 20 percent of the maximum amount of the limitation applicable to such candidate as determined under section 503(b), unless such amount is increased pursuant to section 503(g);

"(5) certify to the Commission under penalty of perjury that 75 per centum of the aggregate amount of contributions received for purposes of paragraph (1) have come from individuals residing in such candidate's State;

"(6) certify to the Commission under penalty of perjury that at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(7) agree in writing that such candidate and the candidate's authorized committees—

"(A) have not made and will not make expenditures which exceed the limitations established in section 503, except as otherwise provided in this title;

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election involved in excess of the limitation on expenditures established in section 503(b);

"(D) will deposit all payments received under this section at a national or State bank in a separate checking account which shall contain only funds so received, and will make no expenditures of funds received under this section except by checks drawn on such account;

"(E) will furnish campaign records, evidence of contributions and other appropriate information to the Commission;

"(F) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(G) will not use any broadcast station, as such term is used in section 315 of the Communications Act of 1934, for the television broadcasting of a political announcement or advertisement during which reference is made to an opponent of such candidate unless such reference is made by such candidate personally and such candidate is identified or identifiable during at least 50 percent of the time of such announcement or advertisement, if such opponent has agreed to the requirements of this title or has received funds pursuant to the provisions of this title; and

"(8) apply to the Commission for payments as provided for in section 504.

"(b) For the purposes of subsection (a)(1) and paragraph (2) of section 504(a), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a gift of money made by a written instrument which identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from any person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to the total amount of all other contributions made by such individual to or for the benefit of such candidate beginning on the applicable date specified in paragraph (4) of this subsection; and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election involved or received after the date on which the general election involved is held shall be taken into account, and in the case of a special election for the office of United States Senator no contribution received prior to the date on which the vacancy occurs in that office or received after the date on which the general election involved is held shall be taken into account.

"(c) The threshold amounts in subsection (a)(1) shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in such section shall mean the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) No candidate who receives a payment for use in a general election under this title shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, aggregating in excess of $20,000, during the election cycle.

"(b) Except as otherwise provided in this Act, no candidate who receives matching payments for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(c) The limitations on expenditures in subsections (b), (d), and (e) shall be subject to the provisions of subsections (b) and (c) of section 504.

"(d) No candidate who is otherwise eligible to receive payments for a general election under this title may receive any such payments if such candidate spends, for the primary election, more than the amount equal to 67 percent of the limitation on expenditures for the general election determined under subsection (b), or more than $2,750,000, whichever amount is less, except as provided in subsection (g).

"(e) No candidate who is otherwise eligible to receive payments for a general election under this title may receive any such payments if such candidate spends for a runoff election, if any, more than an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b), except as provided in subsection (g).

"(f)(1) For purposes of this section, the amounts set forth in subsections (b), (d), and (e) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(2) Notwithstanding the provisions of subsection (b), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a payment for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population up to a population of 4 million, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(3) The limitation set forth in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with this Act; provided however that—

"(A) the Fund contains only contributions (including contributions received from individuals which, when added to all other contributions and matching payments, exceed the limitations on expenditures) received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate total of contributions to, and expenditures from, the Fund will not exceed 10 percent of the limitation on expenditures for the general election determined under subsection (b); and

"(C) no transfers may be made from the Fund to any other accounts of the candidate's authorized committees, except that the Fund may receive transfers from such other accounts at any time.

In the event that, subsequent to any general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from the Fund in excess of the limitations of this paragraph, the candidate may petition the Commission for a waiver of such limitations up to any additional amounts as the Commission may authorize in connection with such waiver. Any waiver, or denial of a waiver, by the Commission under this paragraph shall be subject to judicial review under section 508. Any funds left when the candidate terminates or dissolves the fund, shall be—

"(i) contributed to the United States Treasury to reduce the budget deficit, or

"(ii) transferred to a fund of a subsequent campaign of that candidate.

"(g) If, during the two-year election cycle preceding the candidate's election, independent expenditures by any person or persons aggregating an amount in excess of $10,000 are made in opposition to a candidate or for the opponent of such candidate, the limitations provided in subsection (d) and subsection (e), as they apply to such candidate, shall be increased in an amount equal to the amount of such expenditures.

"(h) If the provisions of section 506(c) apply and such candidate does not receive his full entitlement to matching payments, such candidate may accept aggregate contributions in an amount which, when added to the aggregate expenditures made by such candidate do not exceed the limitation on expenditures applicable to such candidate pursuant to section 503.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS

"SEC. 504. (a) Except as otherwise provided in section 506(c)—

"(1) eligible candidates shall be entitled to matching payments under section 506 in an amount equal to the amount of each contribution received by such candidate and such

candidate's authorized committees, provided that in determining the amount of each such contribution—

"(A) the provisions of section 502(b) shall apply; and

"(B) the contributions required by section 502(a)(1) shall not be eligible for matching payments under this title; and

the total amount of payments to which a candidate is entitled under this paragraph shall not exceed 50 percent of the amount equal to the difference between the amount of the limitation for such candidate determined under section 503(b) and the amount required to be raised by such candidate to establish eligibility under section 502(a)(1);

"(2)(A) an eligible candidate who is a candidate of a major party shall be entitled to a payment under section 506 in an amount equal to the amount of the limitation determined under section 503(b) with regard to such candidate, if any candidate in the same general election not eligible to receive funds under this title either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election;

"(B) an eligible candidate who is not a candidate of a major party shall be entitled to matching payments under section 506, equal to the amount of contributions received by such candidate and the candidate's authorized committees if any candidate in the same general election not eligible to receive payments under this title either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) contributions matched under subparagraph (A) of this paragraph or required to be raised under section 502(a)(1) shall not be eligible to be matched under this paragraph; and

the total amount of payments to which a candidate is entitled under this subsection shall not exceed 50 percent of the amount of the limitation determined under section 503(b) applicable to such candidate;

"(3) all eligible candidates shall be entitled to—

"(A) the broadcast media rates provided under section 315(b) of the Communications Act of 1934; and

"(B) payments under section 506 equal to the aggregate total amount of independent expenditures made or obligated to be made, in the general election involved by any person in opposition to, or on behalf of an opponent of, such eligible candidate, as reported by such person or determined by the Commission under subsection (f) or (g) of section 304.

"(b) A candidate who receives payments under paragraph (2) or (3)(B) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the provisions of section 503(b).

"(c) A candidate who receives payments under this section may receive contributions and make expenditures for the general election without regard to the provisions of subparagraphs (A) and (C) of section 502(a)(7) or subsections (a) or (b) of section 503 if and when any candidate in the same general election not eligible to receive payments under this section either raises aggregate contributions or makes aggregate expenditures for such election which exceed twice the amount of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(d) Payments received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for such candidate. Such payments shall not be used (1) to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate, (2) to make any expenditure other than expenditures to further the general election of such candidate, (3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made, or (4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"(e)(1) Except as provided in paragraph (2), a candidate eligible to receive payments pursuant to this title shall be entitled to matching payments equal to the amount of contributions eligible to be matched which are received from individuals in amounts of $250 or less, to be paid in—

"(A) multiples of $20,000 under section 506, if, with respect to each such payment, the eligible candidate and the authorized committees of such candidate have received, in addition to the amount of contributions certified by the candidate to the Commission under section 502(a)(1), contributions aggregating $20,000 which have not been matched under this section and which qualify for matching funds; and

"(B) a final payment (designated as such by the candidate involved) of the balance of the matching funds to which such candidate is entitled under this section.

"(2) The total of the payments to which a candidate is entitled under paragraph (1) shall not exceed 50 per centum of the amount equal to the difference between the amount of the limitation for such candidate determined under section 503(b) and the amount required to be raised by such candidate to establish eligibility under section 502(a)(1).

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) No later than 48 hours after an eligible candidate files a request with the Commission to receive payments under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall, from time to time, deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund necessary for payments under subtitle H of the Internal Revenue Code of 1986 are adequate for the next presidential election. The monies designated for such account shall remain available without fiscal year limitation.

"(b) Pursuant to the priorities provided in paragraph (3) of subsection (c), upon receipt of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate involved in the certification, out of the Senate Fund, the amount certified by the Commission.

"(c)(1) If at the time of a certification by the Commission under section 505 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Fund are not, or may not be, sufficient to satisfy the full entitlement of all such eligible candidates, the Secretary shall withhold from such payment such amount as he determines to be necessary to assure that an eligible candidate will receive a pro rata share of such candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient monies in the Senate Fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient monies in the Senate Fund to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives his or her pro rata share of his or her full entitlement. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 505.

"(2) If the provisions of this subsection result in a reduction in the amount to which an eligible candidate is entitled under section 505 and payments have been made under this section in excess of the amount to which such candidate is entitled, such candidate is liable for repayment to the Fund of the excess under procedures the Commission shall prescribe by regulation.

"(3) If the provisions of this subsection apply and the monies in the fund are not sufficient to satisfy the full entitlement of all candidates, in addition to the procedures provided in paragraph (2), the Secretary shall give priority to general election payments and pay such payments, or portions thereof, before other payments made pursuant to this title.

"(d) On February 28, 1993, and each February 28 of any odd-numbered calendar year thereafter, the Commission shall determine the total amount in the Fund attributable to amounts designated under section 6096 of the Internal Revenue Code of 1986 and evaluate if such amount exceeds the total estimated expenditures of the Fund for the election cycle ending with the next Federal election. If it is determined that an excess amount exists, the Secretary of the Treasury shall transfer such excess to the general funds of the Treasury of the United States.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign account of 10 per centum of the eligible candidates of each major party and 10 per centum of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any amount of any payment made to a candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 per centum of the amount of such funds.

"(d) If the Commission determines that any candidate who has received payments under this title has made expenditures which in the aggregate exceed by 5 per centum or less the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that any candidate who has received payments under this title has made expenditures which in the aggregate exceed by more than 5 per centum the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure up to an amount not in excess of the payments received pursuant to section 504.

"(f) Any amount received by an eligible candidate under this title may be retained for a period not exceeding sixty days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during this general election period. At the end of such sixty-day period any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Fund.

"CRIMINAL PENALTIES

"SEC. 507A. (a) No candidate shall knowingly or willfully accept payments under this title in excess of the aggregate payments to which such candidate is entitled or knowingly or willfully use such payments for any purpose not provided for in this title or knowingly or willfully make expenditures from his personal funds, or the personal funds of his immediate family, in excess of the limitation provided in this title.

"(b) Any person who violates the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any payment under this title, or to whom any portion of any such payment is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion except as provided in section 504(d).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report), to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title, or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any payments received by any candidate who receives payments under this title, or the authorized committees of such candidate.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any payments received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary for deposit in the Fund, an amount equal to 125 percent of the kickback or payment received.

"JUDICIAL REVIEW

"SEC. 508. (a) Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 509. (a) The Commission is authorized to appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears, pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 510. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each payment required; and

"(4) the balance in the Presidential Election Campaign Fund, and the balance in the Senate Fund and any other account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 511. There are authorized to be appropriated to the Commission for the purpose of carrying out functions under this title, such sums as may be necessary.".

SENATE FUND

SEC. 3. Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "$1" each place it appears in that subsection and inserting in lieu thereof "$2"; and

(2) by striking out "$2" each place it appears in that subsection and inserting in lieu thereof "$4".

BROADCAST RATES

SEC. 4. Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended by striking the semicolon and inserting in lieu thereof the following: ": *Provided,* That in the case of candidates for United States Senator in a general election, as such term is defined in section 501(8) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive payments under title V of such Act;".

REPORTING REQUIREMENTS

SEC. 5. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as such term is defined in section 501(8), each such candidate in such election shall file with the Commission a declaration of whether or not such candidate intends to make expenditures in excess of the amount of the limitation on expenditures for such election, as determined under section 503(b).

"(2) Any declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of such declaration. Such amended declaration may not be amended or changed further.

"(e)(1) Any candidate for United States Senator who qualifies for the ballot for a general election, as such term is defined in section 501(8)—

"(A) who is not eligible to receive payments under section 502, and

"(B) who either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such Senate election,

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or within 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election. If such total is less than two times the limit, such candidate thereafter shall file a report with the Commission within 24 hours after either raising aggregate contributions or making aggregate expenditures for such election which exceed twice the amount of the limitation determined under section 503(b), setting forth the candidate's total contributions and total expenditures for such election.

"(2) The Commission, within 24 hours after such report has been filed, shall notify each candidate in the election involved who is eligible to receive payments pursuant to the provisions of this title under section 504, about each such report, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(8), who is not eligible to receive payments under section 504, has raised aggregate contributions or made aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election or exceed double such amount. The Commission, within 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive payments under section 504 about each such determination, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(f)(1) All independent expenditures, if any, (including those described in subsection (b)(6)(B)(iii)) made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(8), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such expenditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person as referred to in paragraph (1) shall be reported within 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, independent expenditures referred to in such paragraph made by the same person in the same election shall be reported, within 24 hours after, each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.

"(3) Each report under this subsection shall be filed with the Commission and Secretary of State for the State of the election involved and shall contain (A) the information required by subsection (b)(6)(B)(iii) of this section, and (B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat. If any such independent expenditures are made during the general election cycle, and if such candidate is eligible to receive payments pursuant to title V of this Act, the Commission shall, within 24 hours after such report is made, notify such candidate in the election involved about each such report, and shall certify such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(8), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, within 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive payments under section 504 about each determination under subparagraph (A), and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by one person shall constitute an expenditure in coordination, consultation, or concert with another person where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between such persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same two-year election cycle, one of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities which may influence an election to any Federal office include, but are not limited to—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising which includes references, however incidental, to clearly identified Federal as well as non-Federal candidates for public office; or which does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities which require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time-

periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor together with the amount and date of each donation with regard to those receipts of the non-Federal account which comprise disbursements reported under subparagraph (A), provided, however, that such schedules are required only for donations from any one source aggregating in excess of $200 in any calendar year.

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, provided that such donations or disbursements are governed solely by such State laws and not subject to paragraph (1) of this subsection.

"(i) The certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding the provisions of section 505(a).".

(b) Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (v), (viii), (x), and (xii); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (v), (viii), (x), and (xii) of paragraph (B) shall not be exclusions from the definition of contributions for purposes of reporting contributions as required by section 304, and all such contributions shall be reported.".

(c) Section 301(4) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"For purposes of this section, the receipt of contributions or making of expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party, in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(d) Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (iv), (vi), (viii), and (ix); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (iv), (vi), (viii), and (ix) of paragraph (B) shall not be exclusions from the definition of expenditures for purposes of reporting expenditures as required by this Act, and all such expenditures shall be reported.".

(e) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election.".

(f) Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(g)(1) Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)) is amended—

(A) in subparagraph (A), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,";

(B) in subparagraph (F), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,"; and

(C) in subparagraph (G), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(3) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(4) Section 304(b)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(h) Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

(i) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS

SEC. 6. (a) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by—

(1) striking out "or" at the end of subparagraph (B);

(2) striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election) exceeds an amount equal to 30 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a politi-

cal party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the limitation on expenditures provided in section 315(j), for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total of contributions previously made by multi-candidate political committees and separate segregated funds, other than multi-candidate committees of a political party, to such State committee exceeds an amount equal to—

"(i) 2 cents multiplied by the voting age population of the State of such State committee, or

"(ii) $25,000,

whichever is greater. The limitation of this subparagraph shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

(b)(1) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation shall be an amount equal to 67 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation shall be an amount equal to 20 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.".

(2) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by—

(A) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "subsections (b), (d), (i), and (j)"; and

(B) inserting "for subsections (b) and (d) and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987, for subsections (i) and (j)" before the period at the end of paragraph (2)(B).

(c) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking out "(2) and (3)" and inserting in lieu thereof "(2), (3), (4), and (5)";

(2) by adding at the end thereof the following:

"(4) No congressional campaign committee may accept, during any two-year election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which may be made during such election cycle by that committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to the provisions of paragraph (3).

"(5) No national committee of a political party may accept contributions from multicandidate political committees and separate segregated funds, during any two-year election cycle, which, in the aggregate, equal an amount in excess of an amount equal to 2 cents multiplied by the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for Federal office of President, Senator or Representative; provided that this paragraph shall not apply to direct mail communications designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.".

INTERMEDIARY OR CONDUIT

SEC. 7. (a) Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate;

"(B) contributions made by a person either directly or indirectly, to or on behalf of a particular candidate, through an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; and

"(C) the limitations imposed by this paragraph shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by (I) two or more candidates, (II) two or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf, or (III) a special committee formed by (a) two or more candidates or (b) one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf;

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

INDEPENDENT EXPENDITURES

SEC. 8. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 (17)) is amended by adding at the end thereof the following: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate and shall not constitute an 'independent expenditure' where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees,

"(ii) serving as an officer of the candidate's authorized committees, or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

INDEPENDENT EXPENDITURE BROADCAST DISCLOSURE

SEC. 9. Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", except that whenever any person makes an independent expenditure through (A) a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and in the case of a political committee, the name of any connected or affiliated organization, or (B) a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection, the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.', and a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

PERSONAL LOANS

SEC. 10. Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by section 7 of this Act, is further amended by adding at the end thereof the following paragraph:

"(9) For purposes of the limitations imposed by this section, no contributions may be received by a candidate or the candidate's authorized committees for the purpose of repaying any loan by the candidate to the candidate or to the candidate's authorized committees.".

REFERRAL TO THE DEPARTMENT OF JUSTICE

SEC. 11. Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(C)) is amended by striking out "may refer" and inserting in lieu thereof "shall refer".

EXTENSION OF CREDIT

SEC. 12. Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended by—

(1) striking out "or" at the end of clause (i);

(2) striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(iii) with respect to a candidate for the office of United States Senator and his authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a direct mail solicitation) shall be the date of the mailing.".

SEVERABILITY

SEC. 13. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 14. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election in 1990 or thereafter.

(b) The amendments made by section 3, section 7, section 8, and section 9 shall become effective on the date of enactment of this Act.

BYRD AMENDMENT NO. 1404

Mr. BYRD proposed an amendment to the motion to recommit with instructions proposed by Mr. BOREN to the bill S. 2, supra; as follows:

In the instructions strike all after "SEC. 2" and insert the following:

The Federal Election Campaign Act of 1971 is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND PUBLIC MATCHING PAYMENTS FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) unless otherwise provided in this title the definitions set forth in section 301 of this Act apply to this title;

"(2) the term 'authorized committee' means, with respect to any candidate for election to the office of United States Senator, any political committee which is authorized in writing by such candidate to accept contributions or make expenditures on behalf of such candidate to further the election of such candidate;

"(3) the term 'candidate' means an individual who is seeking nomination for election, or election to the office of United States Senator and such individual shall be deemed to seek nomination for election, or election, if such individual meets the requirements of subparagraph (A) or (B) of section 301(2);

"(4) the term 'contribution' includes a payment described in section 301(8)(B)(x), made by a State or local committee of a political party, if—

"(A) the sum of the amount of such payment and the total amount of all previous such payments by such committee during the same election cycle exceeds the amount determined by multiplying one cent times the voting age population of the State in which the election is held; or

"(B) if any portion of such payment is used—

"(i) for the purpose of purchasing, leasing, or otherwise procuring, or procuring the use of, any telephone, computer, computer program, or mass mailing equipment; or

"(ii) for any purpose other than the purchase of materials described in section 301(8)(B)(x) which are to be used by individuals in the performance of services described in section 301(8)(B)(i) or are to be distributed by individuals providing such services;

"(5) the term 'election cycle' means—

"(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, such term shall begin on the first day following the date of the last general election and ending on the date of the next election;

"(6) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive payments under this title;

"(7) the term 'expenditure' includes a payment described in section 301(9)(B)(viii), by a State or local committee of a political party if—

"(A) the sum of the amount of such payment and the total amount of all previous such payments by such committee during the same election cycle exceeds the amount determined by multiplying one cent times the voting age population of the State in which the election is held; or

"(B) if any portion of such payment is used—

"(i) for the purpose of purchasing, leasing, or otherwise procuring, or procuring the use of, any telephone, computer, computer program, or mass mailing equipment; or

"(ii) for any purpose other than the purchase of materials described in section 301(9)(B)(viii) which are to be used by individuals in the performance of services described in section 301(8)(B)(i) or are to be distributed by individuals providing such services;

"(8) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(9) the term 'general election period' means the period beginning on the day after the date on which the candidate qualifies for the general election ballot under the law of the State involved and ending on the date of such election or the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first;

"(10) the term 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister, of the candidate and the spouse of any such person and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate's spouse and the spouse of any such person.

"(11) the term 'major party' means 'major party' as defined in section 9002(6) of the Internal Revenue Code of 1986, the Presidential Election Campaign Fund Act, provided that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(12) the term 'primary election' means any election which may result in the selection of a candidate for the ballot of the general election;

"(13) the term 'primary election period' means the period beginning on the day following the date of the last Senate election for the same Senate office and ending on the date of the first primary election for such office following such last Senate election for such office or the date on which the candidate withdraws from the election or otherwise ceases actively to seek election, whichever occurs first;

"(14) the term 'runoff election' means the election held after a primary election, and prescribed by applicable State law as the means for deciding which candidate(s)

should be certified as nominee(s) for the Federal office sought;

"(15) the term 'runoff election period' means the period beginning on the day following the date of the last primary election for such office and ending on the date of the runoff election for such office;

"(16) the term 'Senate Fund' means the Senate Election Campaign Fund maintained by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(17) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"ELIGIBILITY TO RECEIVE PAYMENTS

"SEC. 502. (a) To be eligible to receive payments under this title a candidate shall, within 7 days after qualifying for the general election ballot under the law of the State involved or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, as determined by the Commission—

"(1) certify to the Commission under penalty of perjury that during the period beginning on January 1 of the calendar year preceding the year of the general election involved, or in the case of a special election for the office of United States Senator, during the period beginning on the day on which the vacancy occurs in that office, and ending on the date of such certification, such candidate and the authorized committees of such candidate have received contributions in an amount at least equal to 10 cents multiplied by the voting age population of such State or at least equal to $149,000, whichever is greater, up to an amount that is not more than $650,000;

"(2) certify to the Commission under penalty of perjury that all contributions received for purposes of paragraph (1) have come from individuals and that no contribution from such individual, when added to all contributions to or for the benefit of such candidate by such individual, was taken into account to the extent such amount exceeds $250;

"(3) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended and will not expend, for the primary election, more than the amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b) or more than $2,750,000, whichever amount is less, unless such amount is increased pursuant to section 503(g);

"(4) certify to the Commission under penalty of perjury that such candidate has not expended and will not expend for runoff elections, if any, more than 20 percent of the maximum amount of the limitation applicable to such candidate as determined under section 503(b), unless such amount is increased pursuant to section 503(g);

"(5) certify to the Commission under penalty of perjury that 75 per centum of the aggregate amount of contributions received for purposes of paragraph (1) have come from individuals residing in such candidate's State;

"(6) certify to the Commission under penalty of perjury that at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(7) agree in writing that such candidate and the candidate's authorized committees—

"(A) have not made and will not make expenditures which exceed the limitations established in section 503, except as otherwise provided in this title;

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election involved in excess of the limitation on expenditures established in section 503(b);

"(D) will deposit all payments received under this section at a national or State bank in a separate checking account which shall contain only funds so received, and will make no expenditures of funds received under this section except by checks drawn on such account;

"(E) will furnish campaign records, evidence of contributions and other appropriate information to the Commission;

"(F) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(G) will not use any broadcast station, as such term is used in section 315 of the Communications Act of 1934, for the television broadcasting of a political announcement or advertisement during which reference is made to an opponent of such candidate unless such reference is made by such candidate personally and such candidate is identified or identifiable during at least 50 percent of the time of such announcement or advertisement, if such opponent has agreed to the requirements of this title or has received funds pursuant to the provisions of this title; and

"(8) apply to the Commission for payments as provided for in section 504.

"(b) For the purposes of subsection (a)(1) and paragraph (2) of section 504(a), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a gift of money made by a written instrument which identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from any person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to the total amount of all other contributions made by such individual to or for the benefit of such candidate beginning on the applicable date specified in paragraph (4) of this subsection; and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election involved or received after the date on which the general election involved is held shall be taken into account, and in the case of a special election for the office of United States Senator no contribution received prior to the date on which the vacancy occurs in that office or received after the date on which the general election involved is held shall be taken into account.

"(c) The threshold amounts in subsection (a)(1) shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in such section shall mean the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) No candidate who receives a payment for use in a general election under this title shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, aggregating in excess of $20,000, during the election cycle.

"(b) Except as otherwise provided in this Act, no candidate who receives matching payments for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(c) The limitations on expenditures in subsections (b), (d), and (e) shall be subject to the provisions of subsections (b) and (c) of section 504.

"(d) No candidate who is otherwise eligible to receive payments for a general election under this title may receive any such payments if such candidate spends, for the primary election, more than the amount equal to 67 percent of the limitation on expenditures for the general election determined under subsection (b), or more than $2,750,000, whichever amount is less, except as provided in subsection (g).

"(e) No candidate who is otherwise eligible to receive payments for a general election under this title may receive any such payments if such candidate spends for a runoff election, if any, more than an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b), except as provided in subsection (g).

"(f)(1) For purposes of this section, the amounts set forth in subsections (b), (d), and (e) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(2) Notwithstanding the provisions of subsection (b), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a payment for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population up to a population of 4 million, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(3) The limitation set forth in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting

services provided solely to insure compliance with this Act; provided however that—

"(A) the Fund contains only contributions (including contributions received from individuals which, when added to all other contributions and matching payments, exceed the limitations on expenditures) received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate total of contributions to, and expenditures from, the Fund will not exceed 10 percent of the limitation on expenditures for the general election determined under subsection (b); and

"(C) no transfers may be made from the Fund to any other accounts of the candidate's authorized committees, except that the Fund may receive transfers from such other accounts at any time.

In the event that, subsequent to any general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from the Fund in excess of the limitations of this paragraph, the candidate may petition the Commission for a waiver of such limitations up to any additional amounts as the Commission may authorize in connection with such waiver. Any waiver, or denial of a waiver, by the Commission under this paragraph shall be subject to judicial review under section 508. Any funds left when the candidate terminates or dissolves the fund, shall be—

"(i) contributed to the United States Treasury to reduce the budget deficit, or

"(ii) transferred to a fund of a subsequent campaign of that candidate.

"(g) If, during the two-year election cycle preceding the candidate's election, independent expenditures by any person or persons aggregating an amount in excess of $10,000 are made in opposition to a candidate or for the opponent of such candidate, the limitations provided in subsection (d) and subsection (e), as they apply to such candidate, shall be increased in an amount equal to the amount of such expenditures.

"(h) If the provisions of section 506(c) apply and such candidate does not receive his full entitlement to matching payments, such candidate may accept aggregate contributions in an amount which, when added to the aggregate expenditures made by such candidate do not exceed the limitation on expenditures applicable to such candidate pursuant to section 503.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS

"SEC. 504. (a) Except as otherwise provided in section 506(c)—

"(1) eligible candidates shall be entitled to matching payments under section 506 in an amount equal to the amount of each contribution received by such candidate and such candidate's authorized committees, provided that in determining the amount of each such contribution—

"(A) the provisions of section 502(b) shall apply; and

"(B) the contributions required by section 502(a)(1) shall not be eligible for matching payments under this title; and

the total amount of payments to which a candidate is entitled under this paragraph shall not exceed 50 percent of the amount equal to the difference between the amount of the limitation for such candidate determined under section 503(b) and the amount required to be raised by such candidate to establish eligibility under section 502(a)(1);

"(2)(A) an eligible candidate who is a candidate of a major party shall be entitled to a payment under section 506 in an amount equal to the amount of the limitation determined under section 503(b) with regard to such candidate, if any candidate in the same general election not eligible to receive funds under this title either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election;

"(B) an eligible candidate who is not a candidate of a major party shall be entitled to matching payments under section 506, equal to the amount of contributions received by such candidate and the candidate's authorized committees if any candidate in the same general election not eligible to receive payments under this title either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) contributions matched under subparagraph (A) of this paragraph or required to be raised under section 502(a)(1) shall not be eligible to be matched under this paragraph; and

the total amount of payments to which a candidate is entitled under this subsection shall not exceed 50 percent of the amount of the limitation determined under section 503(b) applicable to such candidate;

"(3) all eligible candidates shall be entitled to—

"(A) the broadcast media rates provided under section 315(b) of the Communications Act of 1934; and

"(B) payments under section 506 equal to the aggregate total amount of independent expenditures made or obligated to be made, in the general election involved by any person in opposition to, or on behalf of an opponent of, such eligible candidate, as reported by such person or determined by the Commission under subsection (f) or (g) of section 304.

"(b) A candidate who receives payments under paragraph (2) or (3)(B) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the provisions of section 503(b).

"(c) A candidate who receives payments under this section may receive contributions and make expenditures for the general election without regard to the provisions of subparagraphs (A) and (C) of section 502(a)(7) or subsections (a) or (b) of section 503 if and when any candidate in the same general election not eligible to receive payments under this section either raises aggregate contributions or makes aggregate expenditures for such election which exceed twice the amount of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(d) Payments received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for such candidate. Such payments shall not be used (1) to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate, (2) to make any expenditure other than expenditures to further the general election of such candidate, (3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made, or (4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"(e)(1) Except as provided in paragraph (2), a candidate eligible to receive payments pursuant to this title shall be entitled to matching payments equal to the amount of contributions eligible to be matched which are received from individuals in amounts of $250 or less, to be paid in—

"(A) multiples of $20,000 under section 506, if, with respect to each such payment, the eligible candidate and the authorized committees of such candidate have received, in addition to the amount of contributions certified by the candidate to the Commission under section 502(a)(1), contributions aggregating $20,000 which have not been matched under this section and which qualify for matching funds; and

"(B) a final payment (designated as such by the candidate involved) of the balance of the matching funds to which such candidate is entitled under this section.

"(2) The total of the payments to which a candidate is entitled under paragraph (1) shall not exceed 50 per centum of the amount equal to the difference between the amount of the limitation for such candidate determined under section 503(b) and the amount required to be raised by such candidate to establish eligibility under section 502(a)(1).

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) No later than 48 hours after an eligible candidate files a request with the Commission to receive payments under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall, from time to time, deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund necessary for payments under subtitle H of the Internal Revenue Code of 1986 are adequate for the next presidential election. The monies designated for such account shall remain available without fiscal year limitation.

"(b) Pursuant to the priorities provided in paragraph (3) of subsection (c), upon receipt

of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate involved in the certification, out of the Senate Fund, the amount certified by the Commission.

"(c)(1) If at the time of a certification by the Commission under section 505 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Fund are not, or may not be, sufficient to satisfy the full entitlement of all such eligible candidates, the Secretary shall withhold from such payment such amount as he determines to be necessary to assure that an eligible candidate will receive a pro rata share of such candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient monies in the Senate Fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient monies in the Senate Fund to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives his or her pro rata share of his or her full entitlement. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 505.

"(2) If the provisions of this subsection result in a reduction in the amount to which an eligible candidate is entitled under section 505 and payments have been made under this section in excess of the amount to which such candidate is entitled, such candidate is liable for repayment to the Fund of the excess under procedures the Commission shall prescribe by regulation.

"(3) If the provisions of this subsection apply and the monies in the fund are not sufficient to satisfy the full entitlement of all candidates, in addition to the procedures provided in paragraph (2), the Secretary shall give priority to general election payments and pay such payments, or portions thereof, before other payments made pursuant to this title.

"(d) On February 28, 1993, and each February 28 of any odd-numbered calendar year thereafter, the Commission shall determine the total amount in the Fund attributable to amounts designated under section 6096 of the Internal Revenue Code of 1986 and evaluate if such amount exceeds the total estimated expenditures of the Fund for the election cycle ending with the next Federal election. If it is determined that an excess amount exists, the Secretary of the Treasury shall transfer such excess to the general funds of the Treasury of the United States.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign account of 10 per centum of the eligible candidates of each major party and 10 per centum of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any amount of any payment made to a candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 per centum of the amount of such funds.

"(d) If the Commission determines that any candidate who has received payments under this title has made expenditures which in the aggregate exceed by 5 per centum or less the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that any candidate who has received payments under this title has made expenditures which in the aggregate exceed by more than 5 per centum the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure up to an amount not in excess of the payments received pursuant to section 504.

"(f) Any amount received by an eligible candidate under this title may be retained for a period not exceeding sixty days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during this general election period. At the end of such sixty-day period any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Fund.

"CRIMINAL PENALTIES

"SEC. 507A. (a) No candidate shall knowingly or willfully accept payments under this title in excess of the aggregate payments to which such candidate is entitled or knowingly or willfully use such payments for any purpose not provided for in this title or knowingly or willfully make expenditures from his personal funds, or the personal funds of his immediate family, in excess of the limitation provided in this title.

"(b) Any person who violates the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any payment under this title, or to whom any portion of any such payment is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion except as provided in section 504(d).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report), to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title, or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any payments received by any candidate who receives payments under this title, or the authorized committees of such candidate.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any payments received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary for deposit in the Fund, an amount equal to 125 percent of the kickback or payment received.

"JUDICIAL REVIEW

"SEC. 508. (a) Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 509. (a) The Commission is authorized to appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized through attorneys and counsel described in

subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears, pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 510. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each payment required; and

"(4) the balance in the Presidential Election Campaign Fund, and the balance in the Senate Fund and any other account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 511. There are authorized to be appropriated to the Commission for the purpose of carrying out functions under this title, such sums as may be necessary.".

SENATE FUND

SEC. 3. Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "$1" each place it appears in that subsection and inserting in lieu thereof "$2"; and

(2) by striking out "$2" each place it appears in that subsection and inserting in lieu thereof "$4".

BROADCAST RATES

SEC. 4. Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended by striking the semicolon and inserting in lieu thereof the following: ": *Provided,* That in the case of candidates for United States Senator in a general election, as such term is defined in section 501(8) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive payments under title V of such Act;".

REPORTING REQUIREMENTS

SEC. 5. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as such term is defined in section 501(8), each such candidate in such election shall file with the Commission a declaration of whether or not such candidate intends to make expenditures in excess of the amount of the limitation on expenditures for such election, as determined under section 503(b).

"(2) Any declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of such declaration. Such amended declaration may not be amended or changed further.

"(e)(1) Any candidate for United States Senator who qualifies for the ballot for a general election, as such term is defined in section 501(8)—

"(A) who is not eligible to receive payments under section 502, and

"(B) who either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such Senate election,

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or within 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election. If such total is less than two times the limit, such candidate thereafter shall file a report with the Commission within 24 hours after either raising aggregate contributions or making aggregate expenditures for such election which exceed twice the amount of the limitation determined under section 503(b), setting forth the candidate's total contributions and total expenditures for such election.

"(2) The Commission, within 24 hours after such report has been filed, shall notify each candidate in the election involved who is eligible to receive payments pursuant to the provisions of this title under section 504, about each such report, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(8), who is not eligible to receive payments under section 504, has raised aggregate contributions or made aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election or exceed double such amount. The Commission, within 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive payments under section 504 about each such determination, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(f)(1) All independent expenditures, if any, (including those described in subsection (b)(6)(B)(iii)) made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(8), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such expenditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person as referred to in paragraph (1) shall be reported within 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, independent expenditures referred to in such paragraph made by the same person in the same election shall be reported, within 24 hours after, each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.

"(3) Each report under this subsection shall be filed with the Commission and Secretary of State for the State of the election involved and shall contain (A) the information required by subsection (b)(6)(B)(iii) of this section, and (B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat. If any such independent expenditures are made during the general election cycle, and if such candidate is eligible to receive payments pursuant to title V of this Act, the Commission shall, within 24 hours after such report is made, notify such candidate in the election involved about each such report, and shall certify such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(8), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, within 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive payments under section 504 about each determination under subparagraph (A), and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by one person shall constitute an expenditure in coordination, consultation, or concert with another person where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between such persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same two-year election cycle, one of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities which may influence an election to any Federal office include, but are not limited to—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising which includes references, however incidental, to clearly identified Federal as well as non-Federal candidates for public office; or which does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities which require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time-periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor together with the amount and date of each donation with regard to those receipts of the non-Federal account which comprise disbursements reported under subparagraph (A), provided, however, that such schedules are required only for donations from any one source aggregating in excess of $200 in any calendar year.

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, provided that such donations or disbursements are governed solely by such State laws and not subject to paragraph (1) of this subsection.

"(i) The certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding the provisions of section 505(a).".

(b) Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (v), (viii), (x), and (xii); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (v), (viii), (x), and (xii) of paragraph (B) shall not be exclusions from the definition of contributions for purposes of reporting contributions as required by section 304, and all such contributions shall be reported.".

(c) Section 301(4) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"For purposes of this section, the receipt of contributions or making of expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party, in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(d) Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (iv), (vi), (viii), and (ix); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (iv), (vi), (viii), and (ix) of paragraph (B) shall not be exclusions from the definition of expenditures for purposes of reporting expenditures as required by this Act, and all such expenditures shall be reported.".

(e) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election.".

(f) Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(g)(1) Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)) is amended—

(A) in subparagraph (A), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,";

(B) in subparagraph (F), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,"; and

(C) in subparagraph (G), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(3) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(4) Section 304(b)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(h) Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

(i) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS

SEC. 6. (a) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by—

(1) striking out "or" at the end of subparagraph (B);

(2) striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election) exceeds an amount equal to 30 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the limitation on expenditures provided in section 315(j), for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total of contributions previously made by multi-candidate political committees and separate segregated funds, other than multi-candidate committees of a political party, to such State committee exceeds an amount equal to—

"(i) 2 cents multiplied by the voting age population of the State of such State committee, or

"(ii) $25,000,

whichever is greater. The limitation of this subparagraph shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

(b)(1) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation shall be an amount equal to 67 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation shall be an amount equal to 20 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.".

(2) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by—

(A) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "subsections (b), (d), (i), and (j)"; and

(B) inserting "for subsections (b) and (d) and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987, for subsections (i) and (j)" before the period at the end of paragraph (2)(B).

(c) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking out "(2) and (3)" and inserting in lieu thereof "(2), (3), (4), and (5)";

(2) by adding at the end thereof the following:

"(4) No congressional campaign committee may accept, during any two-year election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which may be made during such election cycle by that committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to the provisions of paragraph (3).

"(5) No national committee of a political party may accept contributions from multicandidate political committees and separate segregated funds, during any two-year election cycle, which, in the aggregate, equal an amount in excess of an amount equal to 2 cents multiplied by the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for Federal office of President, Senator or Representative; provided that this paragraph shall not apply to direct mail communications designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.".

INTERMEDIARY OR CONDUIT

SEC. 7. (a) Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate;

"(B) contributions made by a person either directly or indirect¹y, to or on behalf of a particular candidate, tnrough an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; and

"(C) the limitations imposed by this paragraph shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by (I) two or more candidates, (II) two or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf, or (III) a special committee formed by (a) two or more candidates or (b) one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf;

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

INDEPENDENT EXPENDITURES

SEC. 8. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 (17)) is amended by adding at the end thereof the following: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate and shall not constitute an 'independent expenditure' where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees,

"(ii) serving as an officer of the candidate's authorized committees, or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

INDEPENDENT EXPENDITURE BROADCAST DISCLOSURE

SEC. 9. Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", except that whenever any person makes an independent expenditure through (A) a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and in the case of a political committee, the name of any connected or affiliated organization, or (B) a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection, the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.', and a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

PERSONAL LOANS

SEC. 10. Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by section 7 of this Act, is further amended by adding at the end thereof the following paragraph:

"(9) For purposes of the limitations imposed by this section, no contributions may be received by a candidate or the candidate's authorized committees for the purpose of repaying any loan by the candidate to the candidate or to the candidate's authorized committees.".

REFERRAL TO THE DEPARTMENT OF JUSTICE

SEC. 11. Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(C)) is amended by striking out "may refer" and inserting in lieu thereof "shall refer".

EXTENSION OF CREDIT

SEC. 12. Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended by—

(1) striking out "or" at the end of clause (i);

(2) striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(iii) with respect to a candidate for the office of United States Senator and his authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a direct mail solicitation) shall be the date of the mailing.".

SEVERABILITY

SEC. 13. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 14. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election in 1990 or thereafter.

(b) The amendments made by section 3, section 7, section 8, and section 9 shall become effective on the date of enactment of this Act.

BOREN AMENDMENT NO. 1405

Mr. BOREN proposed an amendment to amendment No. 1404 proposed by Mr. BYRD to the motion to recommit with instructions proposed by Mr. BOREN to the bill S. 2, supra; as follows:

In the amendment strike all after the word "Federal" on line 3 and Insert the following:

Election Campaign Act of 1971 is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND PUBLIC MATCHING PAYMENTS FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) unless otherwise provided in this title the definitions set forth in section 301 of this Act apply to this title;

"(2) the term 'authorized committee' means, with respect to any candidate for election to the office of United States Senator, any political committee which is authorized in writing by such candidate to accept contributions or make expenditures on behalf of such candidate to further the election of such candidate;

"(3) the term 'candidate' means an individual who is seeking nomination for election, or election to the office of United States Senator and such individual shall be deemed to seek nomination for election, or election, if such individual meets the requirements of subparagraph (A) or (B) of section 301(2);

"(4) the term 'contribution' includes a payment described in section 301(8)(B)(x), made by a State or local committee of a political party, if—

"(A) the sum of the amount of such payment and the total amount of all previous such payments by such committee during the same election cycle exceeds the amount determined by multiplying one cent times the voting age population of the State in which the election is held; or

"(B) if any portion of such payment is used—

"(i) for the purpose of purchasing, leasing, or otherwise procuring, or procuring the use of, any telephone, computer, computer program, or mass mailing equipment; or

"(ii) for any purpose other than the purchase of materials described in section 301(8)(B)(x) which are to be used by individuals in the performance of services described in section 301(8)(B)(i) or are to be distributed by individuals providing such services;

"(5) the term 'election cycle' means—

"(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, such term shall begin on the first day following the date of the last general election and ending on the date of the next election;

"(6) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive payments under this title;

"(7) the term 'expenditure' includes a payment described in section 301(9)(B)(viii), by a State or local committee of a political party if—

"(A) the sum of the amount of such payment and the total amount of all previous such payments by such committee during the same election cycle exceeds the amount determined by multiplying one cent times the voting age population of the State in which the election is held; or

"(B) if any portion of such payment is used—

"(i) for the purpose of purchasing, leasing, or otherwise procuring, or procuring the use of, any telephone, computer, computer program, or mass mailing equipment; or

"(ii) for any purpose other than the purchase of materials described in section

301(9)(B)(viii) which are to be used by individuals in the performance of services described in section 301(8)(B)(i) or are to be distributed by individuals providing such services;

"(8) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(9) the term 'general election period' means the period beginning on the day after the date on which the candidate qualifies for the general election ballot under the law of the State involved and ending on the date of such election or the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first;

"(10) the term 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister, of the candidate and the spouse of any such person and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate's spouse and the spouse of any such person.

"(11) the term 'major party' means 'major party' as defined in section 9002(6) of the Internal Revenue Code of 1986, the Presidential Election Campaign Fund Act, provided that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(12) the term 'primary election' means any election which may result in the selection of a candidate for the ballot of the general election;

"(13) the term 'primary election period' means the period beginning on the day following the date of the last Senate election for the same Senate office and ending on the date of the first primary election for such office following such last Senate election for such office or the date on which the candidate withdraws from the election or otherwise ceases actively to seek election, whichever occurs first;

"(14) the term 'runoff election' means the election held after a primary election, and prescribed by applicable State law as the means for deciding which candidate(s) should be certified as nominee(s) for the Federal office sought;

"(15) the term 'runoff election period' means the period beginning on the day following the date of the last primary election for such office and ending on the date of the runoff election for such office;

"(16) the term 'Senate Fund' means the Senate Election Campaign Fund maintained by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(17) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"ELIGIBILITY TO RECEIVE PAYMENTS

"SEC. 502. (a) To be eligible to receive payments under this title a candidate shall, within 7 days after qualifying for the general election ballot under the law of the State involved or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, as determined by the Commission—

"(1) certify to the Commission under penalty of perjury that during the period beginning on January 1 of the calendar year preceding the year of the general election involved, or in the case of a special election for the office of United States Senator, during the period beginning on the day on which the vacancy occurs in that office, and ending on the date of such certification, such candidate and the authorized committees of such candidate have received contributions in an amount at least equal to 10 cents multiplied by the voting age population of such State or at least equal to $150,000, whichever is greater, up to an amount that is not more than $650,000;

"(2) certify to the Commission under penalty of perjury that all contributions received for purposes of paragraph (1) have come from individuals and that no contribution from such individual, when added to all contributions to or for the benefit of such candidate by such individual, was taken into account to the extent such amount exceeds $250;

"(3) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended and will not expend for the primary election, more than the amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b) or more than $2,750,000, whichever amount is less, unless such amount is increased pursuant to section 503(g);

"(4) certify to the Commission under penalty of perjury that such candidate has not expended and will not expend for runoff elections, if any, more than 20 percent of the maximum amount of the limitation applicable to such candidate as determined under section 503(b), unless such amount is increased pursuant to section 503(g);

"(5) certify to the Commission under penalty of perjury that 75 per centum of the aggregate amount of contributions received for purposes of paragraph (1) have come from individuals residing in such candidate's State;

"(6) certify to the Commission under penalty of perjury that at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(7) agree in writing that such candidate and the candidate's authorized committees—

"(A) have not made and will not make expenditures which exceed the limitations established in section 503, except as otherwise provided in this title;

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election involved in excess of the limitation on expenditures established in section 503(b);

"(D) will deposit all payments received under this section at a national or State bank in a separate checking account which shall contain only funds so received, and will make no expenditures of funds received under this section except by checks drawn on such account;

"(E) will furnish campaign records, evidence of contributions and other appropriate information to the Commission;

"(F) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(G) will not use any broadcast station, as such term is used in section 315 of the Communications Act of 1934, for the television broadcasting of a political announcement or advertisement during which reference is made to an opponent of such candidate unless such reference is made by such candidate personally and such candidate is identified or identifiable during at least 50 percent of the time of such announcement or advertisement, if such opponent has agreed to the requirements of this title or has received funds pursuant to the provisions of this title; and

"(8) apply to the Commission for payments as provided for in section 504.

"(b) For the purposes of subsection (a)(1) and paragraph (2) of section 504(a), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a gift of money made by a written instrument which identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from any person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to the total amount of all other contributions made by such individual to or for the benefit of such candidate beginning on the applicable date specified in paragraph (4) of this subsection; and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election involved or received after the date on which the general election involved is held shall be taken into account, and in the case of a special election for the office of United States Senator no contribution received prior to the date on which the vacancy occurs in that office or received after the date on which the general election involved is held shall be taken into account.

"(c) The threshold amounts in subsection (a)(1) shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in such section shall mean the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) No candidate who receives a payment for use in a general election under this title shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, aggregating in excess of $20,000, during the election cycle.

"(b) Except as otherwise provided in this Act, no candidate who receives matching payments for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any

candidate, shall not be less than $950,000, nor more than $5,500,000.

"(c) The limitations on expenditures in subsections (b), (d), and (e) shall be subject to the provisions of subsections (b) and (c) of section 504.

"(d) No candidate who is otherwise eligible to receive payments for a general election under this title may receive any such payments if such candidate spends, for the primary election, more than the amount equal to 67 percent of the limitation on expenditures for the general election determined under subsection (b), or more than $2,750,000, whichever amount is less, except as provided in subsection (g).

"(e) No candidate who is otherwise eligible to receive payments for a general election under this title may receive any such payments if such candidate spends for a runoff election, if any, more than an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b), except as provided in subsection (g).

"(f)(1) For purposes of this section, the amounts set forth in subsections (b), (d), and (e) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(2) Notwithstanding the provisions of subsection (b), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a payment for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population up to a population of 4 million, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(3) The limitation set forth in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with this Act; provided however that—

"(A) the Fund contains only contributions (including contributions received from individuals which, when added to all other contributions and matching payments, exceed the limitations on expenditures) received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate total of contributions to, and expenditures from, the Fund will not exceed 10 percent of the limitation on expenditures for the general election determined under subsection (b); and

"(C) no transfers may be made from the Fund to any other accounts of the candidate's authorized committees, except that the Fund may receive transfers from such other accounts at any time.

In the event that, subsequent to any general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from the Fund in excess of the limitations of this paragraph, the candidate may petition the Commission for a waiver of such limitations up to any additional amounts as the Commission may authorize in connection with such waiver. Any waiver, or denial of a waiver, by the Commission under this paragraph shall be subject to judicial review under section 508. Any funds left when the candidate terminates or dissolves the fund, shall be—

"(i) contributed to the United States Treasury to reduce the budget deficit, or

"(ii) transferred to a fund of a subsequent campaign of that candidate.

"(g) If, during the two-year election cycle preceding the candidate's election, independent expenditures by any person or persons aggregating an amount in excess of $10,000 are made in opposition to a candidate or for the opponent of such candidate, the limitations provided in subsection (d) and subsection (e), as they apply to such candidate, shall be increased in an amount equal to the amount of such expenditures.

"(h) If the provisions of section 506(c) apply and such candidate does not receive his full entitlement to matching payments, such candidate may accept aggregate contributions in an amount which, when added to the aggregate expenditures made by such candidate do not exceed the limitation on expenditures applicable to such candidate pursuant to section 503.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS

"SEC. 504. (a) Except as otherwise provided in section 506(c)—

"(1) eligible candidates shall be entitled to matching payments under section 506 in an amount equal to the amount of each contribution received by such candidate and such candidate's authorized committees, provided that in determining the amount of each such contribution—

"(A) the provisions of section 502(b) shall apply; and

"(B) the contributions required by section 502(a)(1) shall not be eligible for matching payments under this title; and

the total amount of payments to which a candidate is entitled under this paragraph shall not exceed 50 percent of the amount equal to the difference between the amount of the limitation for such candidate determined under section 503(b) and the amount required to be raised by such candidate to establish eligibility under section 502(a)(1);

"(2)(A) an eligible candidate who is a candidate of a major party shall be entitled to a payment under section 506 in an amount equal to the amount of the limitation determined under section 503(b) with regard to such candidate, if any candidate in the same general election not eligible to receive funds under this title either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election;

"(B) an eligible candidate who is not a candidate of a major party shall be entitled to matching payments under section 506, equal to the amount of contributions received by such candidate and the candidate's authorized committees if any candidate in the same general election not eligible to receive payments under this title either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) contributions matched under subparagraph (A) of this paragraph or required to be raised under section 502(a)(1) shall not be eligible to be matched under this paragraph; and

the total amount of payments to which a candidate is entitled under this subsection shall not exceed 50 percent of the amount of the limitation determined under section 503(b) applicable to such candidate;

"(3) all eligible candidates shall be entitled to—

"(A) the broadcast media rates provided under section 315(b) of the Communications Act of 1934; and

"(B) payments under section 506 equal to the aggregate total amount of independent expenditures made or obligated to be made, in the general election involved by any person in opposition to, or on behalf of an opponent of, such eligible candidate, as reported by such person or determined by the Commission under subsection (f) or (g) of section 304.

"(b) A candidate who receives payments under paragraph (2) or (3)(B) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the provisions of section 503(b).

"(c) A candidate who receives payments under this section may receive contributions and make expenditures for the general election without regard to the provisions of subparagraphs (A) and (C) of section 502(a)(7) or subsections (a) or (b) of section 503 if and when any candidate in the same general election not eligible to receive payments under this section either raises aggregate contributions or makes aggregate expenditures for such election which exceed twice the amount of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(d) Payments received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for such candidate. Such payments shall not be used (1) to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate, (2) to make any expenditure other than expenditures to further the general election of such candidate, (3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made, or (4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"(e)(1) Except as provided in paragraph (2), a candidate eligible to receive payments pursuant to this title shall be entitled to matching payments equal to the amount of contributions eligible to be matched which are received from individuals in amounts of $250 or less, to be paid in—

"(A) multiples of $20,000 under section 506, if, with respect to each such payment, the eligible candidate and the authorized committees of such candidate have received, in addition to the amount of contributions certified by the candidate to the Commission under section 502(a)(1), contributions aggregating $20,000 which have not been matched under this section and which qualify for matching funds; and

"(B) a final payment (designated as such by the candidate involved) of the balance of the matching funds to which such candidate is entitled under this section.

"(2) The total of the payments to which a candidate is entitled under paragraph (1) shall not exceed 50 per centum of the

amount equal to the difference between the amount of the limitation for such candidate determined under section 503(b) and the amount required to be raised by such candidate to establish eligibility under section 502(a)(1).

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) No later than 48 hours after an eligible candidate files a request with the Commission to receive payments under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall, from time to time, deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund necessary for payments under subtitle H of the Internal Revenue Code of 1986 are adequate for the next presidential election. The monies designated for such account shall remain available without fiscal year limitation.

"(b) Pursuant to the priorities provided in paragraph (3) of subsection (c), upon receipt of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate involved in the certification, out of the Senate Fund, the amount certified by the Commission.

"(c)(1) If at the time of a certification by the Commission under section 505 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Fund are not, or may not be, sufficient to satisfy the full entitlement of all such eligible candidates, the Secretary shall withhold from such payment such amount as he determines to be necessary to assure that an eligible candidate will receive a pro rata share of such candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient monies in the Senate Fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient monies in the Senate Fund to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives his or her pro rata share of his or her full entitlement. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 505.

"(2) If the provisions of this subsection result in a reduction in the amount to which an eligible candidate is entitled under section 505 and payments have been made under this section in excess of the amount to which such candidate is entitled, such candidate is liable for repayment to the Fund of the excess under procedures the Commission shall prescribe by regulation.

"(3) If the provisions of this subsection apply and the monies in the fund are not sufficient to satisfy the full entitlement of all candidates, in addition to the procedures provided in paragraph (2), the Secretary shall give priority to general election payments and pay such payments, or portions thereof, before other payments made pursuant to this title.

"(d) On February 28, 1993, and each February 28 of any odd-numbered calendar year thereafter, the Commission shall determine the total amount in the Fund attributable to amounts designated under section 6096 of the Internal Revenue Code of 1986 and evaluate if such amount exceeds the total estimated expenditures of the Fund for the election cycle ending with the next Federal election. If it is determined that an excess amount exists, the Secretary of the Treasury shall transfer such excess to the general funds of the Treasury of the United States.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign account of 10 per centum of the eligible candidates of each major party and 10 per centum of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any amount of any payment made to a candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 per centum of the amount of such funds.

"(d) If the Commission determines that any candidate who has received payments under this title has made expenditures which in the aggregate exceed by 5 per centum or less the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that any candidate who has received payments under this title has made expenditures which in the aggregate exceed by more than 5 per centum the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure up to an amount not in excess of the payments received pursuant to section 504.

"(f) Any amount received by an eligible candidate under this title may be retained for a period not exceeding sixty days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during this general election period. At the end of such sixty-day period any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Fund.

"CRIMINAL PENALTIES

"SEC. 507A. (a) No candidate shall knowingly or willfully accept payments under this title in excess of the aggregate payments to which such candidate is entitled or knowingly or willfully use such payments for any purpose not provided for in this title or knowingly or willfully make expenditures from his personal funds, or the personal funds of his immediate family, in excess of the limitation provided in this title.

"(b) Any person who violates the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any payment under this title, or to whom any portion of any such payment is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion except as provided in section 504(d).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report), to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title, or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any payments received by any candidate who receives payments under this title, or the authorized committees of such candidate.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any payments received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary for deposit in the Fund, an amount equal to 125 percent of the kickback or payment received.

"JUDICIAL REVIEW

"SEC. 508. (a) Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 509. (a) The Commission is authorized to appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review judgments or decrees entered with respect to actions in which it appears, pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 510. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each payment required; and

"(4) the balance in the Presidential Election Campaign Fund, and the balance in the Senate Fund and any other account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 511. There are authorized to be appropriated to the Commission for the purpose of carrying out functions under this title, such sums as may be necessary.".

SENATE FUND

SEC. 3. Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "$1" each place it appears in that subsection and inserting in lieu thereof "$2"; and

(2) by striking out "$2" each place it appears in that subsection and inserting in lieu thereof "$4".

BROADCAST RATES

SEC. 4. Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended by striking the semicolon and inserting in lieu thereof the following: ": *Provided,* That in the case of candidates for United States Senator in a general election, as such term is defined in section 501(8) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive payments under title V of such Act;".

REPORTING REQUIREMENTS

SEC. 5. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as such term is defined in section 501(8), each such candidate in such election shall file with the Commission a declaration of whether or not such candidate intends to make expenditures in excess of the amount of the limitation on expenditures for such election, as determined under section 503(b).

"(2) Any declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of such declaration. Such amended declaration may not be amended or changed further.

"(e)(1) Any candidate for United States Senator who qualifies for the ballot for a general election, as such term is defined in section 501(8)—

"(A) who is not eligible to receive payments under section 502, and

"(B) who either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such Senate election,

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or within 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election. If such total is less than two times the limit, such candidate thereafter shall file a report with the Commission within 24 hours after either raising aggregate contributions or making aggregate expenditures for such election which exceed twice the amount of the limitation determined under section 503(b), setting forth the candidate's total contributions and total expenditures for such election.

"(2) The Commission, within 24 hours after such report has been filed, shall notify each candidate in the election involved who is eligible to receive payments pursuant to the provisions of this title under section 504, about each such report, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(8), who is not eligible to receive payments under section 504, has raised aggregate contributions or made aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election or exceed double such amount. The Commission, within 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive payments under section 504 about each such determination, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(f)(1) All independent expenditures, if any (including those described in subsection (b)(6)(B)(iii)), made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(8), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such expenditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person as referred to in paragraph (1) shall be reported within 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, independent expenditures referred to in such paragraph made by the same person in the same election shall be reported, within 24 hours after, each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.

"(3) Each report under this subsection shall be filed with the Commission and Secretary of State for the State of the election involved and shall contain (A) the informa-

tion required by subsection (b)(6)(B)(iii) of this section, and (B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat. If any such independent expenditures are made during the general election cycle, and if such candidate is eligible to receive payments pursuant to title V of this Act, the Commission shall, within 24 hours after such report is made, notify such candidate in the election involved about each such report, and shall certify such eligibilit to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(8), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, within 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive payments under section 504 about each determination under subparagraph (A), and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by one person shall constitute an expenditure in coordination, consultation, or concert with another person where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between such persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same two-year election cycle, one of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities which may influence an election to any Federal office include, but are not limited to—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising which includes references, however incidental, to clearly identified Federal as well as non-Federal candidates for public office; or which does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities which require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor together with the amount and date of each donation with regard to those receipts of the non-Federal account which comprise disbursements reported under subparagraph (A), provided, however, that such schedules are required only for donations from any one source aggregating in excess of $200 in any calendar year.

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, provided that such donations or disbursements are governed solely by such State laws and not subject to paragraph (1) of this subsection.

"(i) The certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding the provisions of section 505(a).".

(b) Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (v), (viii), (x), and (xii); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (v), (viii), (x), and (xii) of paragraph (B) shall not be exclusions from the definition of contributions for purposes of reporting contributions as required by section 304, and all such contributions shall be reported.".

(c) Section 301(4) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"For purposes of this section, the receipt of contributions or making of expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party, in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(d) Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (iv), (vi), (viii), and (ix); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (iv), (vi), (viii), and (ix) of paragraph (B) shall not be exclusions from the definition of expenditures for purposes of reporting expenditures as required by this Act, and all such expenditures shall be reported.".

(e) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election.".

(f) Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(g)(1) Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)) is amended—

(A) in subparagraph (A), by inserting after "calendar year," the following: "in the case of committees other than authorized

committees or in excess of $200 within the election cycle in the case of authorized committees,";

(B) in subparagraph (F), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,"; and

(C) in subparagraph (G), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(3) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(4) Section 304(b)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(h) Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

(i) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS

SEC. 6. (a) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by—

(1) striking out "or" at the end of subparagraph (B);

(2) striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election) exceeds an amount equal to 30 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the limitation on expenditures provided in section 315(j), for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total of contributions previously made by multi-candidate political committees and separate segregated funds, other than multi-candidate committees of a political party, to such State committee exceeds an amount equal to—

"(i) 2 cents multiplied by the voting age population of the State of such State committee, or

"(ii) $25,000,

whichever is greater. The limitation of this subparagraph shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

(b)(1) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation shall be an amount equal to 67 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation shall be an amount equal to 20 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.".

(2) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by—

(A) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "subsections (b), (d), (i), and (j)"; and

(B) inserting "for subsections (b) and (d) and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987, for subsections (i) and (j)" before the period at the end of paragraph (2)(B).

(c) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking out "(2) and (3)" and inserting in lieu thereof "(2), (3), (4), and (5)";

(2) by adding at the end thereof the following:

"(4) No congressional campaign committee may accept, during any two-year election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which may be made during such election cycle by that committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to the provisions of paragraph (3).

"(5) No national committee of a political party may accept contributions from multicandidate political committees and separate segregated funds, during any two-year election cycle, which, in the aggregate, equal an amount in excess of an amount equal to 2 cents multiplied by the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for Federal office of President, Senator or Representative; provided that this paragraph shall not apply to direct mail communications designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.".

INTERMEDIARY OR CONDUIT

SEC. 7. (a) Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate;

"(B) contributions made by a person either directly or indirectly, to or on behalf of a particular candidate, through an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(i) the contributions made through the intermediary or conduit are in the form of a

check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; and

"(C) the limitations imposed by this paragraph shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by (I) two or more candidates, (II) two or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf, or (III) a special committee formed by (a) two or more candidates or (b) one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf;

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

INDEPENDENT EXPENDITURES

SEC. 8. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 (17)) is amended by adding at the end thereof the following: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate and shall not constitute an 'independent expenditure' where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees,

"(ii) serving as an officer of the candidate's authorized committees, or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

INDEPENDENT EXPENDITURE BROADCAST DISCLOSURE

SEC. 9. Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", except that whenever any person makes an independent expenditure through (A) a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and in the case of a political committee, the name of any connected or affiliated organization, or (B) a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection, the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.', and a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

PERSONAL LOANS

SEC. 10. Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by section 7 of this Act, is further amended by adding at the end thereof the following paragraph:

"(9) For purposes of the limitations imposed by this section, no contributions may be received by a candidate or the candidate's authorized committees for the purpose of repaying any loan by the candidate to the candidate or to the candidate's authorized committees.".

REFERRAL TO THE DEPARTMENT OF JUSTICE

SEC. 11. Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(C)) is amended by striking out "may refer" and inserting in lieu thereof "shall refer".

EXTENSION OF CREDIT

SEC. 12. Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended by—

(1) striking out "or" at the end of clause (i);

(2) striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(iii) with respect to a candidate for the office of United States Senator and his authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a direct mail solicitation) shall be the date of the mailing.".

SEVERABILITY

SEC. 13. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 14. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election in 1990 or thereafter.

(b) The amendments made by section 3, section 7, section 8, and section 9 shall become effective on the date of enactment of this Act.

INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT AMENDMENTS

MELCHER AMENDMENT NO. 1406

(Ordered to lie on the table.)

Mr. MELCHER submitted an amendment intended to be proposed by him to the bill (S. 1703) to amend the Indian Self-Determination and Education Assistance Act, and for other purposes; as follows:

Section 209 of S. 1703, as reported, is amended by deleting Section 209 in its entirety and the following new section is substituted in lieu thereof:

TRIBAL SELF GOVERNANCE PLANNING PROJECT

(1) Notwithstanding any other provision of law, the Bureau of Indian Affairs shall administer the $1,000,000 provided for a "Tribal Governance Demonstration Project" in the Continuing Resolution making appropriations for FY 88 according to the following criteria:

(a) The agency shall award competitive grants to tribes which submit applications for the purpose of planning tribal budgets according to tribally determined priorities.

(b) The Secretary shall determine the amount of grant award based upon the budget justification proposed by each tribe.

(c) At least one grant shall be awarded to a tribe in each of the 12 areas of the BIA.

(d) None of the formula education funds for: (1) tribally controlled community colleges under the authority of P.L. 95-471 as amended; (2) BIA funded elementary and secondary schools under the authority of P.L. 95-561; (3) Johnson O'Malley funds shall be included in the consolidated grant planning process.

(e) The Secretary shall only approve legal and consulting fees which are based upon actual billable hours; but in no event shall such fees exceed 10% of the total grant.

(f) In order to be eligible to apply for grants under this section, a tribe must be able to document that it has had no significant audit exceptions for the two fiscal years immediately preceding the application date.

(g) Each tribe which applies for a grant under this section must agree to conduct a public hearing within the reservation boundries to provide tribal members the opportunity to recommend and comment on the proposed tribally determined budgets; and further, any objection to the tribal plan registered by a tribal program be noted in the final plan.

(h) Each tribe which applies for a grant under this section shall be required to submit a tribal council resolution approving such application.

(i) A copy of each plan developed by the tribes receiving grants under this section shall be submitted by the BIA to the Select Committee on Indian Affairs and to the House Interior and Insular Affairs Committee.

(2) Within three months of enactment, the Secretary shall provide the following information to Congress and to each tribe that receives a planning grant under this section (1):

(a) All financial and program data, for the two previous fiscal years, including direct and indirect program accounts, which relate to the provision of services and benefits to each tribe which receives a grant under this section;

(b) A statement explaining the impact which the consolidated block grant funding will have upon the trust responsibility for tribes which would implement a consolidated block grant budget;

(c) A statement of how consolidated block grant funding would affect the tribe's periodic needs for special assistance from the BIA including, but not limited to the following areas; litigation support, construction, and technical assistance for economic development;

(d) A statement on the methodologies which the BIA is utilizing to determine the direct and indirect program funds and accounts which are related to the provision of services to the tribes which receive planning grants under this section and how such funds would be transferred to the tribes;

(e) A statement on how the consolidated block grant funding would relate funds for facilities management of federal buildings and staffing patterns at the BIA agency and area offices;

(f) A statement explaining how the budgets for consolidated tribal budgets would be presented to the Congress for appropriations purposes and how this would relate to the appropriations made for categorical programs; and

(g) A statement explaining how federal regulations would be applied to tribally prioritized budgets.

Mr. MELCHER. Mr. President, I am offering an amendment to S. 1703, the Indian Self-Determination and Education Assistance Act Amendments of 1987 as reported by the Select Committee on Indian Affairs.

I am offering this amendment to the bill, because of the numerous recommendations and concerns which have been expressed to me by Indian tribes and the Indian educational community about a consolidated tribal block grant initiative in relationship to S. 1703.

During the committee's consideration of S. 1703, section 209 was added to establish a limited demonstration project whereby tribal governments would plan tribally prioritized budgets based upon the total tribal and BIA funds dedicated to a particular tribe. The idea, as I understand it, is to see if the tribes can do a better job of planning programs which are more responsive to tribal needs than the Federal Government has done. I think that this concept should be explored and, in all likelihood, there are tribes which could do a better job of designing tribal budgets than the BIA, IHS, and Congress have done. On the other hand, there are many unanswered questions about the concept. These questions include how trust responsibility would be impacted; what the role of the BIA would be for a tribe which implemented block grants; and how the BIA and Congress would handle appropriations requests for tribes under a block grant program.

I have serious reservations concerning the initiative as it has evolved over the past few months. I strongly objected to the inclusion of section 209 in S. 1703 because there are too many unanswered questions which could result in the bill being held up, either in the Senate or the House.

However, since the select committee reported the bill in December, the continuing resolution for fiscal year 1988 included a $1 million appropriation for a tribal governance demonstration project. The conference report identified 10 tribes which are to receive grants of $100,000 apiece for the purpose of planning tribally determined budgets. I understand that these tribes were selected because they were present at a hearing held by the House Interior Appropriations Committee when the Assistant Secretary for Indian Affairs announced the tribal governance demonstration in concept only. The 10 tribes which were at the hearing expressed a willingness to enter into a demonstration project, provided that funds were made available and were subsequently predesignated for funding under the project.

This provision was included in the appropriations bill even though it has not been considered by the authorizing committees. The wheels are being set into motion to forge ahead with a new policy without the benefit of the deliberations of either Congress or the Indian tribes. The tribal governance demonstration project is a complex proposal which I believe should be in authorizing legislation. That is why I am introducing this measure today.

To be fair to the approximately 275 other federally recognized tribes which did not have an opportunity to be at the hearing nor to express an interest in the demonstration project in establishing the program, Congress should allow all interested tribes to submit proposals to the BIA.

Recently, Senator INOUYE and Senator EVANS introduced an amendment to S. 1703, at the request of the 10 designated tribes, listed in the continuing resolution. This amendment would strike section 209 from the bill and substitute a new section 301. It would establish a 5-year tribal governance demonstration project for the 10 tribes. It would extend the planning grants to 2 years; authorize implementation of the tribal budgets without further scrutiny by Congress; exempt the tribes from Federal program regulations; and subject all the funds—including formula education grants and BIA administrative funds—to a block grant budget which each tribe would administer as it sees fit. That compounds the problem by creating a lot of uncertainties.

These developments compel me to offer an amendment as an alternative to the Inouye/Evans proposed amendment. My amendment could be considered as an amendment to S. 1703. I am offering it today so that it can be considered at the hearing which the Select Committee on Indian Affairs will be holding on this issue on Thursday, February 18.

My amendment would: First, require the BIA to utilize the $1 million appropriation for competitive grants for which any interested tribe could apply. The 10 tribes identified in the conference report for the continuing resolution would also have to apply for funds, but I assume that they would be in an excellent position to compete; second, it would establish certain criteria for the grant awards; third, it would exempt formula educational grants from the block grant planning process, a provision which is an absolute bottom line to the Indian educational community and has been requested by many Indian educational groups; fourth, require the tribes to include public participation by their members in the development of proposed tribal budgets; fifth, require congressional review prior to implementation; and sixth, require the BIA to provide a report to Congress and the tribes about the potential impact of block grants on trust responsibility and other pertinent issues.

Mr. President, the concept of block granting Federal funds is not new—the potential benefits and shortcomings of the concept as it applies to State and local governments have been vigorously debated in Congress. I hope my colleagues will agree that it is the responsibility of Congress to prudently examine the tribal governance demonstration project before moving forward to implementation of block granting Bureau of Indian Affairs funding for tribes. We should not rush headlong into a concept which has not been fully considered by the substantive committees of Congress nor by the tribes. Under my amendment, the tribal plans would be thoroughly reviewed, and the Department of the Interior's role in the process would be clarified. This course of action is necessary and prudent.

I ask unanimous consent that a letter of support from the American Indian Higher Education Consortium, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM,
Washington, DC, February 16, 1988.

Hon. JOHN MELCHER,
Hart Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR MELCHER: On behalf of the American Indian Higher Education Consortium (AIHEC), I am happy to hear that you are preparing an amendment to S. 703 which would make clear that funds received by the tribally controlled community colleges under the authority of P.L. 95-471 as amended, would be exempt from the tribal block grant demonstration projects currently being considered by Congress.

Please understand Senator, that AIHEC does not wish to preclude tribes from participating in a block grant funding approach if this is the wish of tribal governments. We do however, have great concern with the idea that education formula funds received by education institutions such as tribal colleges under separate statute be made a part of such a block grant. The principle of block granting education funds to a governmental entity, be it a tribal government or a state government which detracts from a specific formula allocation developed by federal statute directing federal dollars to schools or students is one that represents a real danger to the education community—Indian and non-Indian alike.

The language you offer to S. 1703 is a commonsense approach which AIHEC supports totally. Please know we stand ready in anyway to assist you in this endeavor.

Sincerely,

JOHN FORKENBROCK,
Acting Director, American Indian Higher Education Consortium.

BUREAU OF THE MINT AUTHORIZATION ACT

GRAMM AND PROXMIRE AMENDMENT NO. 1407

Mr. KASTEN (for Mr. GRAMM, for himself and Mr. PROXMIRE) proposed an amendment to the bill (H.R. 2631) to authorize appropriations for the Bureau of the Mint for fiscal year 1988, and for other purposes; as follows:

Strike section 2.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that three hearings have been scheduled before the full Committee on Energy and Natural Resources.

The first hearing will take place Tuesday, March 1, 1988, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC. The purpose of this hearing is to consider the President's proposed budget for the Department of the Interior for fiscal year 1989.

The second hearing will take place Tuesday, March 1, 1988, at 2 p.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC. The purpose of this hearing is to consider the President's proposed budget for the Department of Energy for fiscal year 1989.

The third hearing will take place Thursday, March 3, 1988, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC. The purpose of this hearing is to consider the President's proposed budget for the Federal Energy Regulatory Commission for fiscal year 1989 and to consider the President's proposed budget for the Forest Service for fiscal year 1989.

For further information, please contact Betsy Moler, senior counsel, at (202) 224-0612.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 17 to hold a hearing on Treaty Document 100-10, the Ozone Treaty; and at approximately 11 a.m. to hold a brief business meeting. (Agenda attached).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources full committee be authorized to meet during the session of the Senate on Wednesday, February 17, 1988, for a full committee business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 17, 1988, to hold a hearing on judicial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 17, 1988 to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Government Affairs, be authorized to meet during the session of the Senate on Wednesday, February 17, 1988, to hold hearings on S. 2037, the Presidential Transition Effectiveness Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, February 17, to conduct a hearing on S. 1804, a bill to amend the Refuge Administration Act to designate the coastal plain of Arctic National Wildlife Refuge as wilderness, and related matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WARWICK, MASSACHUSETTS CELEBRATES 225TH BIRTHDAY

● Mr. KENNEDY. Mr. President, I would like to bring to your attention today a small but prominent Massachusetts town which is a monument to its heritage. Today, February 17, 1988, Warwick, MA, celebrates its 225th birthday.

The name "Warwick" originated with Guy, Earl of Warwick who played a prominent role in the colonization of New England. The first official census was taken in 1765 and the population then was 191. Today the town has grown to 603 citizens.

In 1735 a grant of the township was made by the Province of Massachusetts Bay. One hundred years after the Pilgrims landed at Plymouth, settlers had gradually moved westward to the area. Some were veterans of the Canadian campaign of 1690 under

Captain Gardner of Roxbury. The town was first known as Gardner's Canada and it grew rapidly during the French and Indian Wars.

Warwick and its people have met with difficult circumstances overcoming declining population and industry. The town was historically bypassed by modern transportation on account of its rugged, picturesque terrain. It has survived the test of time, preserving its proud heritage and identity amidst the growth of surrounding towns and cities.

Warwick has been blessed with beautiful mountain vistas provided by Mount Grace, and the verdant forests in surrounding parks are a haven for those who love the outdoors. The fishing, hunting, and winter sports are a source of recreation for the residents of the area.

Twenty-five years ago, the 200th anniversary was celebrated under the direction of Fred Harris, a descendant himself of the proud pioneer settlers. The Labor Day event was capped by a parade attended by a crowd of 15,000 who gathered to commemorate the town's birthday.

I am proud to join with its distinguished citizens in celebrating the 225th birthday of Warwick, MA.●

THE UNIVERSITY OF KENTUCKY CHEERLEADERS

● Mr. McCONNELL. Mr. President, I rise today to praise the extraordinary accomplishment of the cheerleading squad at the University of Kentucky. At the annual National College Cheerleading Championship in San Diego last month, the University of Kentucky squad won their second consecutive national championship and third in 4 years. This is significant in that no other squad in the country has ever won two championships.

Major college cheerleading has evolved into more than just the impetus for igniting enthusiasm at campus sporting events. Cheerleading has become a sport of its own, combining dance and gymnastics into a brilliantly choreographed display of enthusiasm.

The cheerleaders, in addition to devoting time to their studies, spend exhaustive hours practicing and working out. I happen to know that many of them continue practicing their drills on their own free time. This dedication has produced cheerleaders who are talented athletes committed to being the best.

In addition, as celebrities in the central Kentucky area, the University of Kentucky cheerleaders spend much time in service to their community by attending charitable events. I commend this activity and join all Kentuckians in expressing sincere pride in the many achievements of this outstanding group of young people.

Mr. President, I would like to have the names of the cheerleading squad printed in the RECORD so that my colleagues can join me in extolling their unique contribution to their campus and community.

They are as follows: Cocaptain Barry Applegate; Jeff Baker; Rebecca Bach; Evan Elliot; Stewart Haven; John Jackson; Cocaptain Lori Gooch; Chance McGuire; Tracy Neal; Bobbi Wilson; Shawn Tackett; Rick Dynis; Donna Parsons; and their adviser, Mr. T. Lynn Williamson.●

LITHUANIAN INDEPENDENCE DAY

● Mr. BUMPERS. Mr. President, as an American, it never really comes as a surprise for me to hear the word "freedom" used in any number of ways, by any number of people, on any given day. For us, the images the word brings to mind are ingrained deep in the American soul, creating broad mental landscapes which constitute the entire sum of the American experience. It is all too easy for us, however, to become complacent about our freedom, and to take all that is good for granted. One of the best antidotes for this complacency is to remember those for whom freedom is only a word, not an experience which marks each living day.

For the great many people who have never experienced the unrestricted freedom that our country enjoys, freedom exists as a dream, tangible without being real, desired by people confined and restricted by unwanted governments armed with ideologies of oppression, and constitutions demanding subservience. These are the nations that serve, however unwillingly, as teachers for the rest of the free world, nations which make us appreciate our own freedom.

Consequently, it is with pride and pleasure coupled with frustration and sorrow, that I recognize the 70th anniversary of the Nation of Lithuania—a nation born in freedom, a people who to this day fight to regain their independence.

On February 16, 1918, Lithuania proclaimed its independence to the world. In so doing, the message of freedom's inherent worth and the objective right of all people of all nations to continue in their quest for self-governance, resounded throughout our world.

Like all things worthwhile, Lithuania's independence came with great hardship. The birth of the nation came in 1251 when King Mindaugas was baptized as king of a united Lithuania. Lithuania remained a free state until 1795 when it came under the control of czarist Russia. It was not until 122 years later, at the end of World War I, that Lithuania was once again permitted to establish itself as a nation possessing the skills and desires to become a self-governing state. In 1920 an accord was signed by the Soviet Union with Lithuania recognizing Lithuanian sovereignity for all time. For 20 years Lithuania flourished economically and politically as a self-governing entity. Like all free people, Lithuanians planted the seeds for democracy, and tasted the sweet fruits of freedom that democracy yields.

In 1940, however, the Soviet Union proved to the world what the world had always suspected, that freedom held no place under Stalinist totalitarianism. The Soviets violated the treaty they signed with the Lithuanians, and a forced annexation of the Lithuanian state followed. Once again the people of Lithuania were forced to adhere to a system of government to which they did not consent, a system of tyranny that answered protestation with banishment and imprisonment.

Indeed, time and time again, case after documented case of Soviet violence toward peaceful Lithuanian protest has been made known to the free world. The world has responded by calling on Soviet leaders to recognize the rights of Lithuanians and to grant independence to the Lithuanian nation. Thus far all words have fallen on deaf ears. And yet the people of Lithuania and their relatives in this country continue to hope and pray. In Hot Springs, AR, where there is a strong constituency of Lithuanians, cries for freedom can still be heard.

I want to say to all free Lithuanians and to all Lithuanians still living under Soviet domination: Take heart, hope is present, especially today. We must continue to press General Secretary Gorbachev to carry out his policy of glasnost and apply it to Lithuania. Mr. Gorbachev, if you are truly committed to the basic rights with which all people are endowed, give back to Lithuania the right of self-determination. Give back to Lithuania the promise that your own government signed in 1920, the promise that fulfills every person's greatest yearning. Give them freedom.●

LEWIS L. JUDD, M.D. NEW DIRECTOR OF THE NATIONAL INSTITUTE OF MENTAL HEALTH

● Mr. DOMENICI. Mr. President, while we were engrossed in the year-end legislative rush last December, a soft-spoken and accomplished scientist assumed the reins of control at our country's National Institute of Mental Health [NIMH]. Dr. Lewis L. Judd was appointed to this key post by Secretary of Health and Human Services, Dr. Otis R. Bowen.

I bring this distinguished man to the attention of my colleagues for many reasons. Most importantly, he is a

major contributor to the scientific revolution that is rapidly pushing back our curtain of ignorance about mental illnesses.

Dr. Judd adds a new feeling of excitement and hope in our nation's battles against depression, schizophrenia, drug and alcohol abuse, and the homeless who are mentally ill.

Nancy Domenici joined me and several key Senate staff members earlier this month to discuss Dr. Judd's first major initiative—a national plan for schizophrenia research.

True to his reputation, Dr. Judd is leading us in a new scientific direction. He has worked hard to establish the tie between behavioral and biological phenomena in schizophrenia. Much of the high regard among his colleagues comes from his work to establish this vital linkage.

Dr. Judd's new plan for schizophrenia research will go much farther. If adopted in whole, this plan will enable us to achieve the benefits of coordinated research. The plan for coordinating this complicated subject will allow NIMH to investigate the genetics of schizophrenia; conduct studies of viral factors as they affect the immune system; examine brain pathology; and add a healthy dose of brain chemistry as well as data from the behavioral sciences.

There are very few, if any, scientists as well qualified as Dr. Lewis L. Judd to lead our Nation into the inner realms of our own brains and neurological systems. Allow me to quote University of California at San Diego [UCSD] Chancellor Richard Atkinson, upon Dr. Judd's appointment to head NIMH:

> Lewis Judd has made brilliant contributions to the field of psychiatry. He has also been a superb chairman of the department of psychiatry at UCSD. Given this track record, I expect him to be a truly distinguished director of NIMH. These are challenging times filled with opportunity for the Institute and I can think of no better leader.

Another colleague, Dr. David Kupfer, chairman and professor of psychiatry at the University of Pittsburgh, said,

> Everybody in the academic world—that is, among university departments of psychiatry—is extremely excited about this appointment.

Dr. Lew Judd "is perceived as an extraordinarily able leader in academic psychiatry," said Dr. Melvin Sabshin, medical director of the American Psychiatric Association. "He has built the—UC San Diego—department into a model academic department."

A review of Dr. Judd's vitae gives the reader a strong feeling of confidence in the new director's grasp of the subject matter. His accomplishments are very impressive.

Dr. Judd's concern for the real world application of the latest scientific knowledge is evident throughout his career. He has worked as Chief of Psychiatry Service for the Veterans' Administration in San Diego, director of the UCSD Drug Abuse Program, member of the Scientific Council for the National Alliance for Research in Schizophrenia and Depression, member of the NIMH Board of Scientific Counselors, and supervisor of psychiatric service for the adolescent outpatient unit of the Marion Davies Pediatric Clinic at UCLA.

It is my impression that Dr. Judd's compassionate concern for the victims of mental illness has served to inspire his academic and scientific work on their behalf. His publications cover a very broad range of relevant subjects such as:

The obsessive compulsive neurosis in children;

Chromosomal analysis in adult schizophrenics;

A technical report on pornography for the Commission on Obscenity and Pornography;

Research on heroin and marijuana;

Brain dysfunction in chronic sedative users;

Effects of lithium on normal subjects and alcoholics;

Studies on the multisubstance abuser;

Psychopharmacological studies of many modern drugs;

Biological and neurological basic research; and

Effects of antipsychotic drugs.

Dr. Lew Judd is described as a scientist who manages to "combine the best of two worlds—the more traditional psychodynamic and psychosocial view of psychiatric illness, and a newer biological viewpoint recognizing such things as genetic factors and the role of new drugs."

In Dr. Judd's own words, as reported in the Los Angeles Times:

> We are at the beginning of a golden age in understanding how to treat the mentally disordered. The next two decades are going to be incredibly exciting, with many new discoveries in molecular biology that will advance our understanding of how the brain functions. We now realize that if there is a major disturbance in behavior, that is observable, then, intuitively, there is a dysfunction in the biology of the brain itself. This will have enormous relevance for precise treatments of various disorders as we link behavioral aspects to the biology.

In closing this introduction of Dr. Judd to the U.S. Senate, Mr. President, I would simply like to encourage my colleagues to take note of this very special man. We in the Senate would be well advised to take good advantage of his excellent knowledge base and his plans for expanding it. If we work well together, we may be able to help him to help us speed up the scientific advances we hope and pray will be available to treat the mentally ill.

Dr. Judd reminds us that:

> The numbers show us that 20% of the American population will have a disorder at some point in their life, such as depression, or anxiety, as well as more serious ones. So all families will have some experience with either a relative or friend. So we have to destigmatize the view that these disorders are something to be ashamed of, change the idea that they are something brought upon the self and have people understand they are brought on by a combination of genetic and environmental events.

Today, he says:

> Some 80 percent of disorders can be managed so that they do not distort a person's life in perpetuity, that we can plan appropriate treatment and have available many more medications and therapeutic approaches.
>
> And I believe that soon we will be able to deliver even more innovations.

Mr. President, I urge my colleagues to consider the merits of helping Dr. Judd and the fine staff of the National Institute of Mental Health to deliver more innovations. We can have more positive impact on such difficult problems as the homeless mentally ill, drug and alcohol abuse, manic depression, schizophrenia, and other serious mental illnesses. These illnesses affect the well-being of millions of Americans who will thank us one day for our commitment to relieving their mental anguish.●

FEDERAL CHILD CARE AND CHILD DEVELOPMENT ACT

● Mr. DOMENICI. Mr. President, I am pleased today to add my name as a cosponsor of S. 2009, Senator DOLE's "Federal Child Care and Child Development Act of 1988."

The need for more, better quality child care opportunities is finally being recognized. There are now over 53 million women in the work force, half of whom have children under 6 years of age.

While some working mothers are employed out of choice, for many it is an economic necessity.

Some argue that a Federal presence in this issue is not appropriate. While I agree that many aspects of this problem do not require Federal involvement, I do believe we cannot turn our backs on the needs of low- and moderate-income individuals to help ensure that their children will receive appropriate care.

Senator DOLE's bill is a carefully balanced approach to the problem. The legislation has two purposes: First, it sets up a National Council on Children's Issues. The role of the Council is to act as an advocate for children and examine existing Federal programs that benefit children to determine how effective they are and where we need to focus our attention in the future.

Second, the bill sets up a grant program to the States, funded at $300 million in fiscal year 1989 and $400 million a year for the next 3 years. Grants could be used to provide child

care services to low- and moderate-income parents for: First, establishing and operating neighborhood child care centers, after-school child care programs and startup costs of on-site child care offered by small businesses; second, recruit and train senior citizens to work in child care operations; and third, assist providers in meeting licensing standards.

That covers what the bill does, but perhaps a few words should be said on what the bill does not do. The bill does not set Federal standards or dictate how facilities should be run. I do not believe that is an appropriate role of the Federal Government. As the sponsor of the bill, my able leader describes the role of the Federal Government—"it is the role . . . to facilitate—not mandate—the provision of child care services."

Mr. President, this is a reasonable, responsible bill that addresses the shortage of quality child care available to low- and middle-income families. I am pleased to add my name as a cosponsor.●

FRAUD OF THE DAY—PART 27

● Mr. HEINZ. Mr. President, today's fraud is not one but many. It is a report on the aggregate number of customs fraud cases from October 1987, through December 1987. There were 1,233 open fraud cases during this period. Customs Fraud Investigation Center statistics show that one-third of these cases involve copyright or trademark violations, while textiles and steel cases together take up more than one-fourth.

The total domestic value of Customs commercial seizures during this period for copyright and trademark violations alone amount to $3,848,998. Confiscated toys and apparel values each surpassed the $1 million mark. Traders involved with Taiwan, South Korea, and Hong Kong are responsible for over two-thirds of the customs copyright and trademark crimes, with a total of over $2 million in fraudulent goods from those countries seized during this brief period. This figure demonstrates the need to put this part of the world under much closer scrutiny, and it explains a part of our constantly rising trade deficits with these countries.

Textile seizures are particularly significant. During fiscal year 1986 there were 581 seizures valued at $28,492,413, while there were 708 seizures in fiscal year 1987 valued at $48,282,693. So far, there have been $13,800,675 worth of textile seizures in a total of 287 cases in the initial quarter of fiscal year 1988, which at an annual rate would mean another sizable increase in fraud over each of the preceding 2 years. This is dramatic and startling evidence of the willful misconduct of foreign textile and apparel manufacturers in seeking effectively to destroy the American industry by any means they can—fair or foul. Their tactics in these cases make clear their contempt for our law and for the international agreements that are the foundation of the world's textile and apparel trade policy. Senators might disagree about that policy, but there ought to be no disagreement that commitments made and agreements entered into ought to be kept, and that our law must be respected and enforced. Not to do so calls into question our credibility and will on the entire range of trade policy issues.

A private right of action provision would be a significant aid to the Customs Service in enforcing these laws and agreements. And believe me, Mr. President, down in the trenches of the Customs Service—the people on the front line of enforcement—they welcome this amendment. They welcome it because they recognize the help it will give them in obtaining greater adherence to the law through increased importer/retailer accountability and responsibility. And that is what we all want—not more litigation, but greater respect for and adherence to U.S. law.●

ESTONIAN INDEPENDENCE DAY

● Mr. RIEGLE. Mr. President, February 24 will mark the anniversary of the proclamation of Estonian Independence in 1918. Along with the citizens of the Baltic Republics of Lithuania and Latvia, the Estonian people plan to commemorate the 70th anniversary of their independence by holding peaceful, public demonstrations.

Last week, in anticipation of the first of those commemorations, which occurred yesterday in Lithuania, 31 Senators joined me in sending a letter to Chairman Gorbachev. In that letter, we urged the Soviet leader to allow the Lithuanian people to mark their independence day with flower-laying ceremonies at various sites of historical and national significance in Vilnius and Kaunas.

Despite our pleas, news reaching us from Lithuania is that those demonstrations were blocked by a heavy Soviet police presence and harsh warnings from local Communist authorities.

According to today's Washington Post, which noted that Soviet authorities had placed heavy restrictions on press coverage of the events in Vilnius:

> Patrols of uniformed policemen and civilian auxiliaries have been circulating in the Lithuanian capital of Vilnius since the weekend, stifling any spontaneous protests . . . Local authorities reportedly preempted the demonstrations with police patrols and other measures, including placing some activists under house arrest.

Despite these developments, indications are that the Estonian people will attempt to mark their own independence day on the 24th with peaceful demonstrations, similar to those which occurred earlier this month in Estonia. On February 2, the anniversary of the 1920 peace treaty between the Soviet Union and Estonia, a number of large demonstrations occurred in Tartu. Several thousand Estonians reportedly participated in the commemoration, despite efforts by Soviet authorities to block the nationalist events by staging their own "official" commemoration.

Perhaps the biggest challenge to Soviet rule in the Estonian Republic is the recently announced formation of the Estonian National Independence Party—the first independent political party in the Soviet Union—whose purpose is to promote human rights and self-determination in the Estonian Republic.

Already, 2 of the 16 Estonians who founded the new political party, Vello Vaartou and Eke-Part Nomm, have been expelled from Estonia. Both have reportedly been accused by Soviet authorities of "promoting anarchy" and of complicity in planning demonstrations for Estonian Independence Day on February 24.

Despite glasnost, Soviet authorities have stated that they will not tolerate any show of nationalist sentiment.

Mr. President, in the nearly five decades since the people of the Baltic States have been under Soviet control, they have looked toward the day when their lost freedoms would once again be returned to them.

The new, rising level of activism among the Baltic peoples is, I believe, ushering in a new chapter in the history of their countries. Within the past year, three major public demonstrations occurred there. That is an indication to me that the Baltic people have transformed their strong sense of outrage toward their Soviet oppressors into a new level of public effort to push for national identity and greater freedom.

Mr. President, the Estonian people have undertaken great risks in an effort to bring greater freedom to their Republic, and they are prepared to do more. Their public activism has demonstrated the strength and vitality of the anti-Soviet movement in the occupied Baltic nations. Soviet suppression of the peaceful demonstrations has made a mockery of the Kremlin's professed interest in promoting greater openness in Soviet society, and has hightened public awareness of the oppression and denial of human rights in the Baltic States.

What the Estonia, Lithuanian, and Latvian people are calling for is real glasnost—not simply a public relations phrase, but a policy which actually brings greater freedom to the oppressed in the captive nations. As the Estonian people prepare to celebrate the 70th anniversary of their inde-

pendence day on February 24, they must know that we support them in their struggle for freedom.●

● Mr. DECONCINI. Mr. President, if an employer promises his workers a great new retirement plan with a series of benefits and then only gives them 9 days to decide to join, the employees will begin to question the boss.

If an employer promises his workers job security and then attempts to contract other people to the same jobs more cheaply, the employees may start to wonder why they are working for that particular employer.

And, if an employer promises regular pay and retirement increases then does all he can to cut pay and COLA's so that his workers are lagging behind their counterparts in similar jobs by more than 20 percent, the employees might begin looking elsewhere for work.

I would not blame them. But this is what the Congress is doing to the women and men who work for the Federal Government. Granted, President Reagan and his people at the Office of Management and Budget have prepared these cuts, but let's be honest, Congress must shoulder its share of the responsibility.

Congress has consistently changed its mind and reneged on the commitments it made with the Federal work force. This past year was an especially telling one for enhancing distrust on the part of the Federal employees. The new Federal employees retirement system [FERS] was unveiled in 1987 and more than 2 million civil service retirement system [CRS] employees were eligible to transfer to the new FERS system. Of the large population which could have transferred, less than 2 percent decided to transfer.

Why did so few people who could have moved to the new FERS system, with all of its attractive features, actually transfer? The mail I have received from my constituents and the newspaper and employees' newletters I have read indicate that the reason is a simple one—they do not trust their employer.

Federal employees had 6 months to make their decision. They were blitzed with information from the Office of Personnel Management [OPM] and their personnel offices. The Subcommittee on Treasury, Postal Service and General Government, of which I am chairman, provided OPM with additional funds to accomplish this task. There were television programs and mailings and meetings. All of this information was provided to assist in the decisionmaking process, but many waited for Congress to tie up a few loose ends. Unfortunately, these outstanding questions were not resolved until December 22—just 9 days before the deadline.

This was insufficient time for people to evaluate the last minute changes Congress enacted and make a responsible choice. Nagging questions such as removal of the antidiscrimination rules—which prevented high income employees from participating in the attractive and important thrift savings plan [TSP] and revision of the public pension offset—which is applicable to retirees who draw Social Security, were only answered at the 11th hour. It does not matter that Congress was aware of these questions at the beginning of 1987. It took Congress nearly 12 months to act. This left only 9 days for Federal employees to react. This should never have occurred.

On Thursday, President Reagan submits his budget for the next fiscal year. There should be few surprises in this package because many of the difficult issues were resolved during the budget summit late last year. As Congress tackles the Federal budget deficit and implements the results of the budget summit, strong action will need to be taken to remedy this fiscal crisis. Creative—and difficult—solutions will need to be found to cope with these problems. But, when we ask Americans to tighten their belts, let us make certain that Federal and postal employees are not asked to tighten their belts by more notches than their counterparts in the private sector. We must ensure that the burden is equally shared by all Americans—including Congress.

I also believe, however, that Congress can make a good faith effort at remedying some of the problems it created and perhaps mollify a portion of the distrust its workers feel toward their employer. I recommend that the appropriate committees take rapid action and consider another open season for Federal employees to switch their retirement plans. Now that the employees have had the opportunity to examine the changes Congress made, they can make the best choice for themselves and their families.

I urge the Senate Governmental Affairs and House Post Office and Civil Service Committees to aggressively pursue the possibility of turning back the clock and offering employees the chance to make a fully informed choice. My staff and I will work with those committees to take this first step in restoring the trust and positive working relationship which should exist between Congress and this Nation's Federal employees.●

A TRIBUTE TO DOUG HEIR

● Mr. LAUTENBERG. Mr. President, I rise today to honor Doug Heir, a paralyzed athlete, who has overcome great physical and mental challenges on his way and is an outstanding community achiever.

Almost 10 years ago, Doug dove into a pool in response to a child's cries for help. The child was only playing but Doug broke his neck in the dive and was paralyzed. From that point, he was to spend his life in a wheelchair. But that has not kept Doug Heir down.

In 1987, the U.S. Jaycees honored this Cherry Hill man as 1 of 10 Outstanding Young Americans. This award is only one of many given to Doug for his achievements.

Doug has graduated from Rutgers Law School. He has written a book and acted in rock video. In 1984, he was named World Overall Best Wheelchair Athlete. He has achieved and surpassed goals he set for himself. Doug has shown others, handicapped or not, the will of an individual is strong enough to overcome great adversity. What makes him special is the effort he has made to spread this message to others and to inspire them to their own personal triumphs.

Doug Heir is an exceptional young man. It gives me great pleasure to recognize Doug for his outstanding achievements.●

INDIANA TRIO PROGRAMS CITED

● Mr. LUGAR. Mr. President, February marks the third observance of National TRIO Day, enacted by the Congress to annually draw attention to the importance of federally supported initiatives which assure equal opportunity in postsecondary education.

TRIO programs, formally called Special Programs for students from disadvantaged backgrounds include, Upward Bound Programs, Student Support Services Programs, and Talent Search Programs.

In honor of this occasion, I am pleased to call to the attention of the Senate, Indiana's TRIO Programs for their commitment to service to the students of Indiana, and their continued contributions to the goal of equal opportunity in higher education.

Last year, Indiana's programs served over 10,000 students from across the State. Over 650 high school students were prepared for graduation and matriculation to a college or university through the Upward Bound Programs at Indiana State University, Indiana University-Bloomington, Purdue University-Calumet, University of Notre Dame, and Vincennes University. There were 6,784 students assisted by Talent Search Programs offered by ALFE, Inc., Gary Community School Corp., Indiana State University, Purdue University Calumet, Oakland City College, University of Notre Dame, Vincennes University, and the National Cuban American Community Based Center which all provided the essential services of identifying and assisting high school students, gradu-

ates, and dropouts for entry into a college or university.

Student Support Service programs at the Indiana Institute of Technology, Indiana State University, Indiana University-Bloomington and Richmond, Marion College, Oakland City College, Purdue University-West Lafayette and North Central and Vincennes University provided services to 2,739 college and university students which enabled them to complete their academic programs.

These fine Indiana institutions and organizations have contributed greatly to the betterment of our State's population. Their efforts are most noteworthy ones as they have provided opportunities to many students and adults who would not have had the opportunity to attend a college or university without their help.

I commend these organizations for their accomplishments and on behalf of the citizens of the State of Indiana offer my thanks and best wishes for continued progress in this important endeavor.●

UNIVERSITY OF SOUTHERN COLORADO

● Mr. ARMSTRONG. Mr. President, the University of Southern Colorado in Pueblo has recently received nationwide recognition for its ability not only to encourage change and creativity, but to thrive on it. The American Association of State Colleges and Universities awarded its 1987 Mitau Award to the University of Southern Colorado during a highly touted awards ceremony in New Orleans, LA.

The overall success of the institution in gaining this award was a result of the cooperative spirit of the entire university community, including the administration, staff, faculty, and students.

It is gratifying to see this national honor come to USC, which richly deserves for the rest of the country to know what many of us in Colorado have known all along about the high quality of this institution. It is with great pleasure and pride that I commend the University of Southern Colorado for this well-deserved award. I ask, Mr. President, that this description of the award appear in the RECORD at this point, and I call it to the attention of my colleagues.

MISSION, GOALS, AND PRIORITIES, 1985-90

Three years ago, the University of Southern Colorado community embarked on a comprehensive program review of the entire university.

Today, as a result of that effort, the university is benefiting significantly from a clarified mission, a distinctive role, a new direction in academic programming, and a substantial reallocation of internal resources—the four components of an innovative approach to institutional change.

The participatory process began in fall 1984. Three task forces composed of representatives from the faculty, administrative staff, and the student body, were selected to examine all academic programs, administrative offices, and student activities and athletic programs. Each task force worked from the basic assumptions that the university's role in the state system needed to be differentiated and that the range of programmatic emphases was too broad given available resources.

Relying on a criterion-referenced, evaluative approach, the task forces made difficult judgments about the institution's future and identified the programs to be enhanced, maintained, reduced, and eliminated. Recommendations were reported to the university's president within approximately four months. Six weeks later, the president presented a five-year strategic plan to the governing board for review and consideration.

Upon approval by the governing board in April 1985, the university had a staff, students, and members of the community. They conducted seven surveys to gain information about the university's programs and needs. The Task Force on the External Environment conducted an environmental scan of national, state, and regional trends expected to affect the university.

The final report of the Commission on the Future contained 169 recommendations. To ensure that the recommendations in the report would be addressed, each of the recommendations was referred by the president through a member of the president's council to the appropriate individual, committee, or governance body for review and action. Members of the president's council will report to the university's governing board in February 1988 on the status of the recommendations. The commission report has contributed to the internal planning process by identifying concerns and offering recommendations for various administrative units of the university to consider as they formulate plans and establish priorities.

Asking people from outside the University community to make recommendations on the future of the institution was indeed risky. The University had little direct control in the scope of the various task force investigations or in formulating the recommendations. In choosing this approach, the University opened itself to criticism in an unprecedented way. The University, however, thought that the positive benefits of so much creative capital would more than offset the potential negative consequences from such close external scrutiny. It also demonstrated the confidence that the University had in itself and in its ability to adapt to the future.

That confidence proved to be justified. The commission members, most of whom had ties to the university, region, or state, were genuinely pleased to be asked to be a part of the process. They were critical, but in a constructive way. Their recommendations supported the current move to improve academic excellence and to expand public service activities to the region. Most of the recommendations are already being addressed and implemented by the individuals or administrative groups responsible on the campus.

In addition to providing support for current and future directions of the University, the planning process succeeded in building a needed base of support. Commission members are now serving as consultants to various university programs, most specifically in the areas of sports training, human resource development, use of electronic technology in the academic programs, and regional economic development. They are also working with university faculty and staff to create an internship program in Washington, D.C. for students interested in the political process.

Commission members are advising the newly created office of International Studies which has been established to provide students with opportunities for study-aboard programs.

They are providing political support for university programs on the state and federal levels. They are assisting staff members of the Admissions Office in recruiting new students. Alumni activity has increased throughout the nation with the creation of several new alumni chapters in areas such as Honolulu, Phoenix, Los Angeles, and New York City. Contributions to the development efforts of the university more than doubled in the last three years and a 45 percent increase in 1986 alone, and plans are being made for a capital fund-raising campaign.

Commission members have developed a deep and continuing interest in our programs and services and they know that their work will make a difference in the life and future of the university.

Through the work of the Commission on the Future of Northern Michigan University has been helped in shaping its destiny. The risks are great but so were the rewards.●

INFORMED CONSENT: OKLAHOMA

● Mr. HUMPHREY. Mr. President, I ask that the letter of Jana Robinson of Oklahoma be printed in the CONGRESSIONAL RECORD. Ms. Robinson has written to my office to express her support for S. 272 and S. 273, bills requiring informed consent prior to abortion. She shares my belief that women must be given the facts on the procedures, risks, and alternatives to abortion. Without this information, the freedom of choice is no freedom at all.

The letter follows:

FEBRUARY 19, 1987.

DEAR SENATOR HUMPHREY, About 11 years ago, I was a college student and ended up pregnant. I was alone (the father transferred to another college) and scared. I went back to the man that I thought I loved and he refused to help me. I did not want to get married just because I was pregnant, but I did not know what to do. Having confronted my parents about the situation, I found no help at all, the decision was mine to make. I had "shamed" my parents and boyfriend.

On the morning I was to go back to the doctor, I was driving down the highway and saw a billboard advertising abortions. I gave the number a call. To make the story short, I went through with the abortion alone because I knew no different. The doctor did not sit down with me to tell me what was going to happen. No one told me that I would be scarred for life.

Senator Humphrey, I hope this letter will help you in the passage of your bill. I hope you receive thousands of letters from other aborted women. Abortion does not solve the problem, instead it brings another problem to one's life.

Thank you for helping the unborn child.
In God's love.

JANA ROBINSON.

A SPECIAL THANKS TO NORTHWEST AIRLINE

● Mr. BOSCHWITZ. Mr. President, I rise today to bring to my colleagues' attention a marvelous new program undertaken by Northwest Airline. As the first major carrier to participate in UNICEF's "Change for Good" Program, Northwest is lighting the way for other airlines to join in a program that can really make a difference to the world's children. The program raises money for UNICEF's Child Immunization Program by asking passengers abroad airline flights to donate unused foreign coins.

The beauty of the "Change for Good" Program is that it works. Virgin Atlantic, a small British airline, has been active in the program since last July. I was very pleased to hear about the project's success and was thrilled to learn that Northwest Airline, a good Minnesota firm, had agreed to bring the program to the United States. "Change for Good" is unique, very clever and has a very low overhead. The flight attendants volunteer their time to explain the program, Northwest is working on a video, and to collect the money. Since banks in the United States will not exchange foreign coins, they have little worth to the traveler—but they are worth their weight in gold to the world's children.

Over the past 50 years, largely as a result of vaccine immunization programs, the developed Western nations have seen a marked decline in the infant mortality rates resulting from diseases such as polio, diphtheria, whooping cough, tetanus, and measles. Tragically, the same can't be said for the children of the Third World—where 40,000 children die daily of these preventable diseases, malnutrition and infections. UNICEF calls this the "silent emergency" and it is time that we brought it out in the open and eliminate it. The level of childhood mortality in developing countries signals both alarm and opportunity—alarm because of its sheer numbers; opportunity because we have the means at hand to dramatically reduce child mortality.

For the past 2 years, Congress has appropriated funds to help in the United Nations' effort to immunize all the world's children and provide them with a sugar and salt oral-rehydration remedy, at 10 cents per child, for diarrhea by 1990. I am proud to say that I have cosponsored this important legislation each year. Worldwide, 77 countries with more than 99 percent of the developing world's children, have expressed a commitment to immunize their children. It costs $5 per child to provide immunizations for diphtheria, tetanus, measles, polio, tuberculosis and whooping cough. Our appropriation helps save the lives of $3.5 million children each year.

The immunization program has been successful and I know it will be even more successful now that Northwest has announced it will help out. We need to urge other airlines to join the program quickly. UNICEF estimates that if all international air carriers participated, UNICEF could collect $40 million a year! Mr. President, today I join Northwest Airline in inviting all U.S. international airlines to participate in UNICEF's "Change for Good" and to help save a child's life and I applaud Northwest Airline for its critical participation in a very worthwhile humanitarian project.●

MEDICAID HOME AND COMMUNITY QUALITY SERVICES ACT

● Mr. RIEGLE. Mr. President, I join today as a cosponsor of S. 1673, the Medicaid Home and Community Quality Services Act. After long and careful consideration of this important proposal, I have concluded that it is a needed reform which directs Medicaid resources toward more appropriate care for individuals who are mentally or physically disabled.

This legislation will restructure the current system of funding Medicaid services for people with disabilities in order to increase their independence, productivity and integration into the community. This bill will help families stay together by giving States the flexibility to provide community and in-home care, in addition to already established institutional care.

The bill removes the institutional bias from the current Medicaid funding program. That bias pushes the funding of services for developmentally disabled individuals toward large institutions. S. 1673 expands the available options by providing assistance for living in community based settings.

This bill is an historic proposal in the evolution of policy for the developmentally disabled. How we treat individuals with disabilities is an issue which deeply touches their lives and their families, and reflects on the values we stand for as a nation.

In recent years, care for these individuals has been shifting from institutions to community-based settings. This legislation embodies the best hopes for all of those who have promoted that trend. It seeks to readjust governmental patterns of financial support in recognition and encouragement of these changes.

Mr. President, I am proud to note that the State of Michigan has been a pioneer in the effort to provide community care for disabled citizens. Over the past 10 years, the percentage of individuals in institutions in Michigan has declined significantly. This legislation will support these efforts, and encourage further progress.

Earlier versions of this legislation created concerns among some parents groups, caregivers and others that residents might be inappropriately forced from current care situations, and that operating institutions with a record of quality care would lose needed support. Senator CHAFEE listened to those concerns. He reintroduced an amended bill in this Congress which goes a long way toward meeting them.

Yet parts of S. 1673 can be significantly improved, and I intend to work closely with the Finance Committee and with Senator CHAFEE to resolve certain issues.

S. 1673 does not adequately address programming and staffing requirements for Medicaid eligible facilities. I intend to work on clarifying provisions of the bill to train and protect direct care staff so that they are not adversely affected by the changes proposed in the bill. We need to ensure that quality staffing is maintained as we shift the focus of Government resources, so that residents in large and small settings are provided consistent, quality care.

In addition, we must protect the access of developmentally disabled persons to a full continuum of services where appropriate and needed. While I agree with the focus of this bill on expanding options available in the community, I think it is also important to continue our support for facilities which have demonstrated a record of comprehensive, quality care.

Mr. President, I am pleased to join as a cosponsor of this important reform legislation. I look forward to working toward its passage in the Finance Committee and the full Senate.●

ORDERS FOR THURSDAY

RECESS UNTIL 9 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that after the two leaders are recognized under the standing order on tomorrow morning, there be a period for the transaction of morning business not to extend beyond 9:30, and that Senators may speak during that period for morning business for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting Republican leader, Mr. KASTEN, as to whether or not the following calendar order numbers have been cleared on his side of the aisle and are ready for action: Calendar Order Nos. 529 through 537.

Mr. KASTEN. If the majority leader will yield.

Mr. BYRD. Yes.

Mr. KASTEN. We have no objection. Those are cleared on our side.

Mr. BYRD. I thank the Senator.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the foregoing calendar orders, that they be considered en bloc, that where amendments to preambles or amendments may be shown they be agreed to, that the resolutions—they are all resolutions—be agreed to en bloc, spread upon the record severally, and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

DENNIS CHAVEZ DAY

The Senate proceeded to consider the joint resolution (S.J. Res. 206) to designate April 8, 1988, as "Dennis Chavez Day."

Mr. DOMENICI. Mr. President, late last year I introduced Senate Joint Resolution 206, along with my colleague from New Mexico, to declare April 8, 1988 as "Dennis Chavez Day."

This joint resolution was reported by the Senate Judiciary Committee on February 4, 1988.

April 8, 1988 marks the 100th anniversary of Dennis Chavez's birth.

As the first native-born Hispanic elected to the U.S. Senate, Senator Chavez served as New Mexico's Senator for 27 years, from March 11, 1935, until his death on November 18, 1962. He also served in the House of Representatives for 4 years.

Dennis Chavez was more than a U.S. Senator. He provides a symbol of opportunity found only in America.

Senator Chavez grew up in a poor household, too poor to even attend high school. Yet he eventually passed a special entrance exam to Georgetown Law School.

Senator Chavez never forgot his roots. He made it a top priority to improve the lot of the poor and the oppressed. For example, while a member of the New Mexico State Legislature, Dennis Chavez introduced the first bill to provide free textbooks to New Mexico's students.

Many commemorative events are planned in the State of New Mexico as part of the Dennis Chavez centennial, including an exhibition at the State Capitol, a special mass in Albuquerque, and essay contests at many schools throughout the State.

Support for this resolution would indicate the Senate's appreciation for Senator Chavez's hard work. More importantly, it would serve as a reminder of how a person can achieve anything he or she desires, regardless of the odds, and how privileged we all are to live in this great land of opportunity.

The joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 206

Whereas the Honorable Dennis Chavez was the first native-born Hispanic elected to the United States Senate;

Whereas Dennis Chavez served the State of New Mexico and his country in a most distinguished manner, serving as a United States Representative for four years and a United States Senator for twenty-seven years until his death in office;

Whereas Dennis Chavez was the highest ranking Hispanic in the Federal Government for over thirty years;

Whereas Dennis Chavez was too poor to attend school, but later passed a special entrance exam to attend Georgetown Law School;

Whereas Dennis Chavez provided a source of pride and inspiration to the underprivileged;

Whereas Dennis Chavez served as a spokesman for the poor and oppressed;

Whereas Dennis Chavez exemplifies the true public servant;

Whereas Dennis Chavez provided an everlasting symbol of opportunity found only in America; and

Whereas 1988 marks the centenary of the birth of Dennis Chavez: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 8, 1988 is designated as "Dennis Chavez Day", and the President is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

GREEK INDEPENDENCE DAY

The Senate proceeded to consider the joint resolution (S.J. Res. 218) to designate March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

Mr. LAUTENBERG. Mr. President, I rise in support of Senate Joint Resolution 218, a joint resolution to designate March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." The resolution also asks the President to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies and activities.

March 25, 1988, marks the 167th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire. It is fitting that we celebrate this day together with Greece in order to reaffirm the common democratic heritage of Americans and Greeks.

The ancient Greeks forged the very notion of democracy, placing the ultimate power to govern in the people. As Aristotle said, "If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will best be attained when all persons alike share in the government to the utmost."

Because the concept of democracy was born in the age of the ancient Greeks, all Americans, whether or not of Greek ancestry, are kinsmen of a kind to the ancient Greeks. America's Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our Government. For that contribution alone, we owe a heavy debt to the Greeks.

The common heritage which we share has forged a close bond between Greece and the United States, and between our peoples. And it is reflected in the numerous contributions made by present day Greek Americans in New Jersey and across the country to our American culture.

I urge my colleagues to support this joint resolution as a tribute to these contributions, past and present, which have greatly enriched American life.

The joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 218

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy;

Whereas March 25, 1988, marks the one hundred and sixty-seventh anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire;

Whereas these and other ideals have forged a close bond between our two nations and their peoples; and

Whereas it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations sprang: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 25, 1988, is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy", and that the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies and activities.

NATIONAL OLDER AMERICANS ABUSE PREVENTION WEEK

The joint resolution (S.J. Res. 222) to designate the period commencing on May 1, 1988, and ending on May 7, 1988, as "National Older Americans Abuse Prevention Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 222

Whereas each year an estimated 550,000 to 2.5 million elders are the victims of physical and emotional abuse, neglect, and denial of fundamental civil rights;

Whereas these elders represent every racial, religious and socioeconomic class;

Whereas the suffering of these elders poses a threat to our families and to our society as a whole;

Whereas in most instances this neglect and abuse stems from the lack of information on intervention and prevention;

Whereas the health and well-being of our elders is, and must be, one of our Nation's highest priorities;

Whereas May, 1988, has traditionally been designated as "Older Americans Month", and provides the ideal opportunity for the people of the United States to become educated and aware of the welfare of the elderly; and

Whereas it is appropriate to focus the attention of the Nation upon the problem of elderly abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on May 1, 1988, and ending on May 7, 1988, is designated as "National Older Americans Abuse Prevention Week", and the President is authorized and requested to issue a proclamation calling upon all government agencies and the people of the United States to observe such period with appropriate programs, ceremonies, and activities.

NATIONAL PRODUCTIVITY IMPROVEMENT WEEK

The joint resolution (S.J. Res. 223) to designate the period commencing on April 10, 1988, and ending on April 16, 1988, as "National Productivity Improvement Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 223

Whereas the economic stability and growth of this Nation relies largely on the collective industry and endeavor of its working citizens;

Whereas the time-honored tradition of American leadership in work-related ingenuity and know-how has brought about great strides in productivity;

Whereas growth in productivity in turn improves the standard of living for United States citizens;

Whereas public awareness of the economic importance of productivity will promote individual and collective ideas and innovations for productivity improvement; and

Whereas a conscientious effort to improve productivity will foster a better standard of living for all citizens and reduce the level of inflation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of providing for a better understanding of the need for productivity growth and of encouraging the development of methods to improve individual and collective productivity in the public and private sectors, the period commencing on April 10, 1988, and ending on April 16, 1988, is designated as "National Productivity Improvement Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such period with appropriate ceremonies and activities.

NATIONAL SCHOOL DROPOUT PREVENTION WEEK

The joint resolution (S. J. Res. 224) to designate the period commencing on September 5, 1988, and ending on September 11, 1988, as "National School Dropout Prevention Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S. J. RES. 224

Whereas the number of students who drop out of school nationwide is reaching epidemic proportions;

Whereas maintaining America's competitive posture in the world economy demands an educated and highly skilled workforce;

Whereas drop out of school severely diminishes an individual's opportunity to become self-sufficient through employment to compete effectively in the modern world;

Whereas the cost of secondary school dropouts adversely affects society as a whole, costing our Nation approximately $77,000,000,000 each year in lost tax revenues, welfare, and crime prevention; and

Whereas reversing the trend of school dropouts requires an increased awareness of the dimensions of the problem and the mobilization of Federal, State, family, community, and school resources in implementing preventative measures: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on September 5, 1988, and ending on September 11, 1988, is designated as "National School Dropout Prevention Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to support school dropout prevention programs implemented in their communities and to encourage students to complete their education by graduating from high school.

PUBLIC SERVICE RECOGNITION WEEK

The Senate proceeded to consider the joint resolution (S.J. Res. 242) designating the period commencing May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week,"

Mr. SARBANES. Mr. President, as the sponsor of Senate Joint Resolution 242, it gives me great pleasure to have it acted upon today. Senate Joint Resolution 242, a joint resolution designating the week of May 2-8, 1988 as "Public Service Recognition Week" was introduced to honor and thank the men and women who work in those jobs that are so important to the strength and vitality of our Nation. I would like to commend the chairman and ranking minority member of the Judiciary Committee for such prompt action on this joint resolution and also extend my appreciation to the 55 cosponsors.

Public servants have been an integral part of America's work force and I am indeed proud to salute the men and women who have made numerous contributions toward our Nation's prosperity. They have invested many dedicated years to serving our Government and the people of this Nation, and in doing so have developed the expertise and experience necessary to ensure that our State, local and Federal governments function effectively and efficiently. Public employees administer our public school systems, deliver our mail and provide services effecting the elderly, handicapped, and disabled. They are responsible for fire protection, managing our parks and recreation areas as well as contributing to important medical and scientific research efforts. These are just a few of the many contributions made by public employees. They deserve to be recognized for their achievements and I am quite pleased today to have the support of so many of my colleagues in passing this joint resolution.

The joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preample was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 242

Whereas the remarkable range of skills and unceasing dedication of government employees has supported the United States' leadership position in the world;

Whereas government employees have helped make the United States a global leader in industry, health care, agriculture, and defense by developing some of the world's most important technologies;

Whereas career government employees provide the Nation's defense, carry out the laws of the land, ensure environmental protection, maintain transportation systems, guard the Nation's borders to stem the flow of illegal drugs, administer Social Security, support health programs, provide policy direction for the education of the Nation's children, and provide countless other crucial public services;

Whereas government employees perform their demanding duties in exchange for compensation which is often far less than that received by their private sector counterparts; and

Whereas government employees are a valuable national resource, fulfilling the needs and desires of the American people as ex-

pressed through their elected representatives in the executive, legislative, and judicial branches of government: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 2-8, 1988, is designated as "Public Service Recognition Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

JOHN MUIR DAY

The joint resolution (S.J. Res. 245) to designate April 21, 1988, as "John Muir Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 245

Whereas April 21, 1988, marks the one hundred and fiftieth birthday of the great American conservationist John Muir, heralded worldwide for his dedication to the preservation of wilderness in this country;

Whereas generations of Americans have reveled in the wonders of Yosemite, the Grand Canyon, and other parklands set aside by past Presidents and Congresses at the urging of the Scottish-born naturalist;

Whereas a system of natural, cultural, historical, and recreational national parks which John Muir helped pioneer has grown in size to almost eighty million acres symbolizing the stewardship Americans demonstrate for their precious public resources;

Whereas John Muir was the cofounder and first president of the Sierra Club, an organization which contributes in making this Nation a leader in the global environmental movement;

Whereas the John Muir National Historic Site, in Martinez, California, one of three hundred and thirty-seven units of the National Park Service, was set aside by Congress in 1964 as a monument to the wild lands crusader and was the site from which Muir wrote books celebrating the natural beauty and wildlife of the United States, books that are still widely read and treasured by people of all ages; and

Whereas the important role of an ecologically sound environment in the quality of life for all people was proselytised by the tireless voice and pen of John Muir: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 21, 1988, is designated as "John Muir Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

NATIONAL CHILD ABUSE PREVENTION MONTH

The joint resolution (S.J. Res. 246) to designate the month of April 1988, as "National Child Abuse Prevention Month," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 246

Whereas the incidence and prevalence of child abuse and neglect have reached alarming proportions in the United States;

Whereas an estimated four million children become victims of child abuse in this Nation each year;

Whereas an estimated five thousand of these children die as a result of such abuse each year;

Whereas the Nation faces a continuing need to support innovative programs to prevent child abuse and assist parents and family members in which child abuse occurs;

Whereas Congress has expressed its commitment to seeking and applying solutions to this problem by enacting the Child Abuse Prevention and Treatment Act of 1974;

Whereas many dedicated individuals and private organizations, including Child Help U.S.A., Parents Anonymous, the National Committee for the Prevention of Child Abuse, the American Humane Association, and other members of the National Child Abuse Coalition, are working to counter the ravages of abuse and neglect and to help child abusers break this destructive pattern of behavior;

Whereas the average cost for a public welfare agency to serve a family through a child abuse program is twenty times greater than self-help programs administered by private organizations;

Whereas organizations such as Parents Anonymous, and other members of the National Child Abuse Coalition, are expediting efforts to prevent child abuse in the next generation through special programs for abused children; and

Whereas it is appropriate to focus the attention of the Nation upon the problem of child abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of April, 1988, is designated as "National Child Abuse Prevention Month", and the President is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

NATIONAL FISHING WEEK

The joint resolution (S.J. Res. 190) to authorize and request the President to issue a proclamation designating June 6-12, 1988, as "National Fishing Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The joint resolution, and the preamble, as amended are as follows:

S.J. RES. 190

Whereas the United States Bureau of the Census reported that fifty-four million residents of our country participated in sport fishing in 1980;

Whereas sport fishing is a family oriented, outdoor, recreational activity that provides therapeutic rewards and enjoyment to people of all ages;

Whereas the demands for goods and services by sport fishing participants is estimated to generate $25,000,000,000 in economic activity and employment for an estimated six hundred thousand individuals each year;

Whereas fishing promotes respect for Nation's marine, estuarine, and fresh waters, and their associated plant and animal communities; and

Whereas our country's league of fishing enthusiasts represent a constituency that seeks to prevent the degradation of our Nation's diverse aquatic habitats: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is requested and authorized to issue a proclamation designating June 6-12, 1988, as "National Fishing Week" and calling upon Federal, State, and local governments agencies, and the people of the United States to observe the week with appropriate programs and activities.

BUREAU OF THE MINT AUTHORIZATION ACT, FISCAL YEAR 1988

Mr. BYRD. Mr. President, does the acting Republican leader have any objection to the Senate proceeding to the consideration of Calendar Order No. 496?

Mr. KASTEN. I have no objection.

Mr. BYRD. Mr. President, I thank the Senator.

I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 496.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2631) to authorize appropriations for the Bureau of the Mint for fiscal year 1988, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing, and Urban Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

H.R. 2631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 5132(a) of title 31, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraphs:

"(2) Not more than $46,511,000 may be appropriated to the Secretary for the fiscal year ending September 30, 1988, to pay costs of the mints. Not more than $965,000 of amounts appropriated pursuant to the preceding sentence shall remain available until expended for research and development.

"(3) Of amounts appropriated pursuant to paragraph (2), not more than $75,000 may be expended for the purpose of hosting the International Mint Directors' Conference in the United States in 1988, including reception, representation, and transportation expenses.

"(4) Notwithstanding sections 3302 and 9701 of this title, the Director of the Mint may—

"(A) collect from participants at the International Mint Directors' Conference reasonable amounts imposed as fees and other assessments in connection with such conference;

"(B) hold and administer the amounts referred to in subparagraph (A); and

"(C) spend on behalf of the United States the amounts referred to in subparagraph (A) to pay expenses incurred in connection with such conference, including reception, representation, and transportation expenses.".

SEC. 2. PROFITS ON SALE OF NUMISMATIC ITEMS AVAILABLE ONLY TO REDUCE NATIONAL DEBT.

(a) IN GENERAL.—Subsection (b) of section 5111 of title 31, United States Code, is amended by striking out the last two sentences and inserting in lieu thereof the following new sentences: "The Secretary shall charge the coinage profit fund with waste incurred in minting coins, costs incurred in distributing coins, and costs incurred in connection with the preparation and sale of numismatic items, including the value of gold certificates (not exceeding forty-two and two-ninths dollars a fine troy ounce) retired from the use of gold contained in any numismatic item. The Secretary shall credit amounts received from the sale of numismatic items to the coinage profit fund. Excess amounts in the coinage profit fund shall be deposited by the Secretary in the general fund of the Treasury and shall be used for the sole purpose of reducing the national debt.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 5132(a) of title 31, United States Code, is amended by striking out the second sentence.

(2) Subsection (g) of section 5112 of title 31, United States Code, is amended by striking out "of section 5132(a)(1)".

(3) Paragraph (3) of section 5112(i) of title 31, United States Code, is amended by striking out "of section 5132(a)(1)".

(4) Subsection (f) of section 2 of the Gold Bullion Coin Act of 1985 is hereby repealed.

SEC. 3. REDESIGNATION OF ASSAY OFFICES AS MINTS.

(a) SAN FRANCISCO.—Section 5131(a)(4) of title 31, United States Code, is amended by striking out "assay office" and inserting in lieu thereof "mint".

(b) WEST POINT.—Section 5131(a)(3) of title 31, United States Code, is amended by striking out "assay office at New York" and inserting in lieu thereof "mint at West Point".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The first sentence of section 5131(b) of title 31, United States Code, is amended by striking out "and assay offices, except that only bars may be made at the assay offices".

(2) Section [5132(c)] *5131(c)* of such title is amended by striking out "and the assay office at New York have" and inserting in lieu thereof "has".

(3) Section 5132(b) of such title is amended by striking out "and assay offices".

(4) Section 5133(a)(1) of such title is amended by striking out "and the assay office at New York and the officer in charge of the assay office at San Francisco" and by striking out "or officer".

(5) Section 5133(a)(2) of such title is amended by striking out "and the officer" and by striking out "or officer".

(6) Section 5133(a)(3) of such title is amended by striking out "and the officer".

(7) Section 5133(b) of such title is amended to read as follows:

"(b) SETTLEMENT OF ACCOUNTS.—

"(1) IN GENERAL.—At least once each year, the Secretary of the Treasury shall settle the accounts of the superintendents of the mints.

"(2) PROCEDURE.—At any settlement under this subsection, the superintendent shall—

"(A) return to the Secretary any coin, clipping, or other bullion in the possession of the superintendent; and

"(B) present the Secretary with a statement of bullion received and returned since the last settlement (including any bullion returned for settlement).

"(3) AUDIT.—The Secretary shall—

"(A) audit the accounts of each superintendent; and

"(B) allow each superintendent the waste of precious metals that the Secretary determines is necessary—

"(i) for refining and minting (within the limitations which the Secretary shall prescribe); and

"(ii) for casting fine gold and silver bars (within the limit prescribed for refining), except that any waste allowance under this clause may not apply to deposit operations.".

(8) Upon the enactment of this Act, the superintendent of the United States Assay Office at New York, New York, shall assume the position of superintendent of the Mint at West Point, New York.

(9) Section 5133(c) of such title is amended by striking out "and assay offices".

(10) Section 5133(d) of such title is amended—

(A) in the first sentence, by striking out "and assay office"; and

(B) in the [second] *third* sentence, by striking out "and assay offices".

[SEC. 4. PROTECTION OF INTEGRITY OF COINAGE MANUFACTURE.

[Section 5111(c) of title 31, United States Code, is amended to read as follows:

["(c) PROCUREMENTS RELATING TO COIN PRODUCTION.—

["(1) IN GENERAL.—The Secretary may make contracts, on conditions the Secretary decides are appropriate and are in the public interest, to acquire articles, materials, supplies, and services (including equipment, manufacturing facilities, patents, patent rights, technical knowledge, and assistance) necessary to produce the coins referred to in this title.

["(2) DOMESTIC CONTROL OF COINAGE.—In order to protect the national security through domestic control of the coinage process, the Secretary shall acquire only such articles, materials, supplies, and services (including equipment, manufacturing facilities, patents, patent rights, technical knowledge, and assistance) for the production of coins as have been produced or manufactured in the United States unless the Secretary determines it to be inconsistent with the public interest, or the cost to be unreasonable, and publishes in the Federal Register a written finding stating the basis for the determination.".

["(3) DETERMINATION.—

["(A) IN GENERAL.—Any determination of the Secretary referred to in paragraph (2) shall not be reviewable in any administrative proceeding or court of the United States.

["(B) OTHER RIGHTS UNAFFECTED.—This paragraph does not alter or annul any right of review that arises under any provision of any law or regulation of the United States other than paragraph (2).".]

SEC. 4. PROTECTION OF INTEGRITY OF COINAGE MANUFACTURE.

Section 5111(c) of title 31, United States Code, is amended to read as follows:

"(c) PROCUREMENTS RELATING TO COIN PRODUCTION.—

"(1) IN GENERAL.—The Secretary may make contracts, on conditions the Secretary decides are appropriate and are in the public interest, to acquire articles, materials, supplies, and services (including equipment, manufacturing facilities, patents, patent rights, technical knowledge, and assistance) necessary to produce the coins referred to in this title.

"(2) DOMESTIC CONTROL OF COINAGE.—(A) Subject to subparagraph (B), in order to protect the national security through domestic control of the coinage process, the Secretary shall acquire only such articles, materials, supplies, and services (including equipment, manufacturing facilities, patents, patent rights, technical knowledge, and assistance) for the production of coins as have been produced or manufactured in the United States unless the Secretary determines it to be inconsistent with the public interest, or the cost to be unreasonable, and publishes in the Federal Register a written finding stating the basis for the determination.

"(B) Subparagraph (A) shall apply only in the case of a bid or offer from a supplier the principal place of business of which is in a foreign country which does not accord to United States companies the same competitive opportunities for procurements in connection with the production of coins as it accords to domestic companies.

"(3) DETERMINATION.—

"(A) IN GENERAL.—Any determination of the Secretary referred to in paragraph (2) shall not be reviewable in any administrative proceeding or court of the United States.

"(B) OTHER RIGHTS UNAFFECTED.—This paragraph does not alter or annul any right of review that arises under any provision of any law or regulation of the United States other than paragraph (2).

"(4) Nothing in paragraph (2) of this subsection in any way affects the procurement by the Secretary of gold and silver for the production of coins by the United States Mint.".

SEC. 5. STANDARDS FOR GOLD COINS.

(a) FINENESS.—Section 5112(b) of title 31, United States Code, is amended by inserting the following sentence before the last sentence: "In minting gold coins, the Secretary shall use alloys that vary not more than 0.1 percent from the percent of gold required.".

(b) WEIGHT.—Section 5113(a) of title 31, United States Code, is amended by adding at the end thereof the following new sentence: "Any gold coin issued under section 5112 of this title shall contain the full weight of gold stated on the coin.".

SEC. 6. GOLD SALES TO BE USED SOLELY TO REDUCE NATIONAL DEBT.

The second sentence of section 5116(a)(2) of title 31, United States Code, is amended to read as follows: "Amounts received from the sale of gold shall be deposited by the Secretary in the general fund of the Treasury and shall be used for the sole purpose of reducing the national debt.".

SEC. 7. BULK SALES OF SILVER BULLION COINS.

Section 5112(f) of title 31, United States Code, is amended to read as follows:

"(f) SILVER COINS.—

"(1) SALE PRICE.—The Secretary shall sell the coins minted under subsection (e) to the public at a price equal to the market value of the bullion at the time of sale, plus the cost of minting, marketing, and distributing such coins (including labor, materials, dies, use of machinery, and promotional and overhead expenses).

"(2) BULK SALES.—The Secretary shall make bulk sales of the coins minted under subsection (e) at a reasonable discount.

"(3) NUMISMATIC ITEMS.—For purposes of section 5132(a)(1) of this title, all coins minted under subsection (e) shall be considered to be numismatic items.".

[SEC. 8. PUBLIC SALES OF UNITED STATES GOLD AND SILVER COINS.

[Section 5112 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

["(j) PUBLIC SALES AT MINT FACILITIES.—In addition to other means of marketing coins minted under paragraph (7), (8), (9), or (10) of subsection (a) or subsection (e), the Secretary of the Treasury shall make such coins available for sale directly to the public at such facilities of the Bureau of the Mint as the Secretary determines to be appropriate. The Secretary may limit the number of such coins which may be sold to any person, or in any single transaction, at any such facility.".]

The amendment was agreed to.

The amendment was ordered to be engrossed, the bill was read the third time, and passed.

Mr. BYRD. Mr. President, I ask unanimous consent that the amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, as ordered reported by the Banking Committee, H.R. 2631 would authorize the appropriation of not more than $46,511,000 for fiscal year 1988 for the salaries and expenses of the U.S. Mint. Of that amount, $965,000 may be used for research and development. The Mint is also authorized to expend $75,000 in appropriated funds to host the International Mint Directors' Conference, as well as use fees collected from conference participants to offset expenses. This is the first time the International Mint Directors' Conference will be hosted by the United States, to be held in Washington, DC in May of this year. The purpose of this conference is the exchange of information common to the participating mints throughout the world. There are approximately 31 member mints, another 22 observer mints, and over 100 industrial observers who are expected to participate in this conference. This is an excellent chance for American industry to present their latest developments in coin related equipment and manufacturing techniques.

The act redesignates the San Francisco and West Point Assay offices to the status of mints because of their increased production activities. Each new mint will have a superintendent and assayer appointed by the President, by and with the advice and consent of the Senate.

An amendment adopted in committee would require domestic control of the coinage process by stipulating—under specified circumstances—the acquisition of American produced goods and services, unless the Secretary determines it to be inconsistent with the public interest or the cost unreasonable. This section in no way changes current law with regard to the procurement and use of gold and silver for coinage, bullion, or medallic purposes.

One of the most successful programs the mint has undertaken is the American Gold Eagle Bullion Program. This program was created by Congress to offer the American public an alternative to the South African Krugerrand and other foreign gold. The American Gold Eagle Program has captured 65 percent of the domestic gold bullion market, far surpassing sales for Canadian maple leafs and Chinese pandas, among others. Since the program began in October of 1986, the mint has sold over 3 million ounces of gold coins and purchased over 2.9 million ounces of newly mined American gold. This has provided a vital new market for the domestic gold industry and has helped support the expansion of jobs in American gold mining and related industries. In addition, an estimated $187 million in profits were deposited in the Treasury to help reduce the Federal deficit. It is anticipated that 1988 will be as good a year for the American Gold Eagle Program.

AMENDMENT NO. 1407

(Purpose: To subject numismatic programs of the Mint to budgetary control and oversight)

Mr. KASTEN. Mr. President, I send an amendment to the desk on behalf of Senator GRAMM, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN], for Mr. GRAMM, proposes an amendment numbered 1407.

Mr. KASTEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike section 2.

Mr. GRAMM. Mr. President, the amendment that I am offering today will ensure that Federal budgetary control continues over the coinage fund and numismatic programs of the U.S. Mint. Section 2 of the bill would allow the mint's coinage profit fund to be used to finance the operational expenses of the Mint's Numismatic Program instead of having the program funded throught the appropriations process. This change would undermine the budgetary and appropriations process over these programs. It would also exempt the Mint's Numismatic Program from sequestration under the provisions of the Balanced Budget and Emergency Deficit Control Reaffirmation Act, agreed to by the Congress just last year. As we all know, to the degree that the sequestration base is reduced, greater cuts have to be made in the remaining Federal programs. The amendment that I am offering would delete from the bill the section creating this exemption.

This amendment is supported by the administration, and I ask unanimous consent that the statement of administration policy on this legislation be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2631—AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES MINT

The Administration opposes enactment of H.R. 2631 for the following reasons.

First, by permitting the Mint's coinage profit fund to be used for financing the operational expenses of the Mint's numismatic program, section 2 of H.R. 2631 is contrary to sound budget and accountability principles. Ordinary expenses of this nature should be budgeted for in the customary manner and should be subject to appropriations review. Further, the Mint's appropriations account should be reimbursed from the proceeds of the Mint's sales, as appropriate.

Second, section 2 of the bill would also have the practical effect of exempting the Mint's numismatic program from sequestration under the Balanced Budget and Emergency Deficit Control Act ("Gramm-Rudman-Hollings"). Such as exemption would be most unwise. Attempts to exempt programs from sequestration must be strenously resisted in order to prevent a flood of requests for similar treatment in other programs.

Third, the bill's "buy America" provision (section 4) could cause the United States to violate the Agreement on Government Procurement under the General Agreement on Tariffs and Trade. The provision would invite retaliation and would raise unnecessary questions about the willingness of the United States to honor its international commitments.

The President's senior advisors would recommend disapproval of H.R. 2631 if presented to the President in its current form.

Mr. PROXMIRE. Mr. President, I have checked with both the majority and minority, and there is no objection to the amendment to H.R. 2631 offered by the Senator from Texas.

Mr. KASTEN. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Texas [Mr. GRAMM].

The amendment (No. 1407) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the

amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 2631), as amended, was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROGRAM

Mr. BYRD. Mr. President, the Senate is about to go out for the day. There will be no rollcall votes, of course, this day.

The Senate will come in tomorrow at 9 o'clock a.m. After the two leaders have been recognized under the standing order, there will be a period for the transaction of morning business with Senators permitted to speak therein for not to exceed 5 minutes each.

The period for morning business will end no later than 9:30 a.m. at which time the Senate will resume consideration of S. 2, and the pending question will be on the adoption of the amendment in the second degree to the amendment in the first degree to the motion to recommit with instructions to report back. And debate will continue thereon.

It is not my plan to have an early rollcall vote on tomorrow. Tomorrow at around 11:30 a.m. Chancellor Helmut Kohl will be a guest in the Capitol. It is now my intent to recess the Senate for circa an hour so that all Senators on both sides of the aisle may have the opportunity to meet with, and hear Chancellor Kohl in room S-207. I invite all Senators to be present.

It was my pleasure and privilege to meet with Chancellor Kohl last week, along with Senator BOREN, Senator NUNN, Senator PELL, and Senator WARNER, as we traveled as a delegation to various NATO capitals. And Chancellor Kohl was very gracious to us. We had a long meeting with Chancellor Kohl, and I think Senators will be eager to hear what he has to say.

Of course, if they have questions, time permitting, I am sure Chancellor Kohl would welcome their questions.

I hope we will show this head of state, a very valuable and reliable ally, our warmest hospitality, and show him a good attendance of Senators. It will be worthwhile for all concerned.

Following that meeting, the Senate then will reconvene and continue its debate on the pending campaign finance reform bill. Meanwhile, the two groups that have been selected by the Democratic and Republican leadership will meet to discuss the pending bill and those areas of disagreement to see if there is room for any accommodation and resolution.

Mr. President, does the distinguished acting Republican leader have any further statement he would like to make or any business he would like to transact?

Mr. KASTEN. I do not.

Mr. BYRD. I thank the Senator.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD. Mr. President, there being no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 9 o'clock tomorrow morning.

The motion was agreed to; and, at 5:16 p.m., the Senate recessed until tomorrow, Thursday, February 18, 1988, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, February 17, 1988*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, offered the following prayer:

We place before You, O God, the petitions of our hearts and souls, asking You to bless us when we need help, to forgive us when we do wrong, and to assure us of Your abiding spirit. We admit, gracious God, that our efforts sometimes go astray and too often our actions do not keep pace with our words. Strengthen us, we pray, to do those things that are righteous and good, for ourselves and for those we seek to serve. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1889. An act to amend the Geothermal Steam Act of 1970 to provide for lease extensions, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to the bill (S.J. Res. 122) entitled "An act to designate the period commencing on October 18, 1987, and ending on October 24, 1987, as 'Gaucher's Disease Awareness'."

VETERANS' HOME LOAN PROGRAM EMERGENCY AMENDMENTS OF 1988

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2022) to amend title 38, United States Code, to authorize reductions under certain circumstances in the downpayments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to clarify the calculation of available guaranty entitlement and make other technical and conforming amendments, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I do not intend to object, but I yield to the distinguished gentleman from Mississippi [Mr. MONTGOMERY], chairman of the Veterans' Affairs Committee for an explanation of the bill.

Mr. MONTGOMERY. Mr. Speaker, prior to adjournment last year we sent to the President a major veterans' housing reform bill. The other body proposed that individuals purchasing VA foreclosed homes to pay a 10-percent downpayment. We attempted to make the argument that this would limit VA's ability to move hard-to-sell properties and would make the agency noncompetitive with FHA.

In order to get the reform bill enacted, we agreed to a compromise of 5 percent downpayment. We now have learned that the provision is creating a hardship on the VA and this bill is designed to eliminate that problem.

The distinguished chairwoman of our Subcommittee on Housing and Memorial Affairs is on the floor and I would ask the gentleman to yield to her for a more detailed explanation of the bill.

I urge the adoption of the bill.

Mr. Speaker, the gentlewoman from Ohio [Ms. KAPTUR] is the chairwoman of the Subcommittee on Housing and Memorial Affairs, and she handled this housing bill last year.

Mr. SOLOMON. Mr. Speaker, as ranking member of the Veterans' Affairs Committee, I rise in strong support of S. 2022, which would authorize certain reductions in the current 5-percent downpayment required for vendee loans used to finance the sales of foreclosed properties held by the VA.

Mr. Speaker, Mr. MONTGOMERY and Ms. KAPTUR have explained clearly the provisions of this relatively simple bill.

The Senate has already passed it, and we propose to pass it without amendments.

The Senate calls this an emergency bill and I would be inclined to agree.

The recently enacted Public Law 100-198 requires a 5-percent downpayment on vendee loans which the VA makes to buyers for purchases of foreclosed properties in the VA's inventory.

It has quickly become apparent to everyone that the downpayment requirement on vendee loans was a mistake, particularly because in areas where real estate markets are depressed, the downpayment requirement has further reduced sales of already difficut to sell foreclosed properties.

The Senate Veterans' Affairs Committee has acted quickly and responsibly to remedy the problem created by the downpayment requirement.

Senator CRANSTON, chairman of the Senate Veterans' Affairs Committee, and Senator MURKOWSKI, the ranking member, have taken the lead in getting the provision in question changed and I take my hat off to them for their expeditious action.

While we certainly will be taking a further look at improving the Home Loan Guaranty Program, this body should act now on S. 2022, without amendments, lest we be justly accused of fiddling while Rome burns.

Mr. Speaker, here in our own body, my good friend, SONNY MONTGOMERY, the exceptionally able chairman of our committee, has wasted no time in moving S. 2022.

Our chairman always puts the needs of veterans above politics, and it is a pleasure for me as ranking member to work with him. MARCY KAPTUR, chairwoman of the Subcommittee on Housing and Memorial Affairs, and DAN BURTON, its ranking member, have played essential roles as well in this bipartisan legislation, and I commend them, too.

Mr. Speaker, I urge all of my colleagues to act favorably on this emergency bill.

It is needed right now to prevent financial losses to the VA's Home Loan Guaranty Program and to help keep this essential program viable for America's veterans.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield to me again?

Mr. SOLOMON. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I certainly want to give credit to the gentlewoman from Ohio, Ms. MARCY KAPTUR, who has worked very hard on this veterans' housing legislation. It had not been amended in 30 years, and with her hard work and diligent effort we have passed fine legislation. It will make it easier for veterans to purchase veterans' homes, and again I thank the gentleman for yielding.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Mississippi for his remarks.

Mr. Speaker, let me also commend the gentlewoman from Ohio [Ms. KAPTUR], as well as the gentleman from Indiana, DAN BURTON, the rank-

ing Republican as well as the gentleman from Texas, Mr. TOM DELAY, who I know wants to speak on this issue. He was also instrumental in helping to draft this vital legislation.

Mr. MONTGOMERY. Mr. Speaker, if the gentleman will yield again, the gentleman from Texas, Mr. TOM DELAY, sent a letter out to all Members of Congress, and basically this is what we are doing, correcting this situation.

Mr. SOLOMON. Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from Ohio [Ms. KAPTUR] the subcommittee chairman.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding and also for his help on this bill, and also thank the gentleman from Mississippi [Mr. MONTGOMERY] chairman of the full committee for his expeditious movement of this bill.

Mr. Speaker, on December 21, 1987, the President signed H.R. 2672, the Veterans' Home Loan Program Improvements and Property Rehabilitation Act of 1987—Public Law 100-198.

This was a major housing reform bill designed to carefully preserve the program's basic intent of providing homeownership for this Nation's veterans, offer creative approaches to some of its present-day problems and set it on a sound footing for meeting veterans' future needs.

The bill contained a provision that required a 5 percent downpayment requirement for vendee loans made after January 21, 1988. A vendee loan is one made by the VA to finance the sale of a foreclosed property. These loans may be made to veterans and nonveterans alike.

In the Senate version of H.R. 2672, which passed on October 30, 1987, the downpayment would have been 10 percent. Although the House bill had no similar requirement, the other body insisted that some downpayment be required. In a spirit of compromise, we accept 5 percent.

What we had feared when we opposed the Senate provision has happened. We have now found that imposing even a 5 percent downpayment requirement substantially hampers the Veterans' Administration's ability to sell foreclosed properties. In Houston, where the VA has 7,700 foreclosed properties in inventory. Due to the economic situation there, the downpayment requirement has had a serious adverse impact. We also believe that throughout economically depressed areas of the country, the VA will experience difficulty selling certain properties in neighborhoods where real estate prices are depressed.

On February 1, 1988, the Senate passed S. 2022 to authorize the Administrator to make loans up to the market value of the property if necessary to market the particular property involved. This is sound policy because it gives local VA officials flexibility in marketing properties.

Mr. Speaker, although we applaud the Senate's efforts to soften this 5 percent downpayment requirement by providing the VA with the authority to reduce or waive it where it is necessary for the VA to competitively market such properties, we are concerned by the comment on the Senate floor that "when market conditions do not prohibit it—as will be the case in most areas of the country—the 5 percent downpayment would continue to be required to help reduce defaults on vendee loans."

Mr. Speaker, we do not believe that exceptions should be viewed only from regional perspectives. Rather, this authority should be considered for use on a case by case basis since the marketing of properties differs not only in different regions but even within neighborhoods in one city. For example, the Washington area has experienced VA foreclosures in Southeast Washington as well as in some more affluent areas such as Watergate at Landmark. Obviously, these properties have different marketing requirements. Therefore, we believe that this provision should be applied on a case by case basis.

Mr. Speaker, it is our intent that the Administrator delegate the authority to set downpayments for vendee loans to loan guaranty officers at VA regional offices. We expect that regional office personnel, in consultation with local real estate professionals involved in the sale of VA-acquired properties, will carry out the function of setting competitive downpayment levels on individual properties, in line with local market conditions and general policy guidelines issued by the Administrator.

The second provision of the bill corrects an inequity in the calculation of a veteran's remaining guaranty entitlement, should he have used a portion previously.

Public Law 100-198 changed the loan guaranty formula from 60 percent of the loan up to $27,500 to 50 percent of the loan up to $45,000 and 40 percent of the loan above $45,000 with a maximum guaranty of $36,000. In the past, when the guaranty amount was increased, it resulted in an addition to whatever amount of entitlement the veteran had available. This increased entitlement could then be applied to any new loan. This bill ensures that the veteran continues to be fully entitled as he has been in the past.

Mr. Speaker, I urge favorable consideration of S. 2022.

Mr. SOLOMON. Mr. Speaker, I thank the gentlewoman from Ohio for her remarks.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I stand in strong support of this bill. It will correct a senseless piece of recent legislation which unnecessarily costs the Federal Government, in the 90-county area of south Texas alone, $150,000 a day and threatens to expand its costly black hole to suck up nearly $300,000 a day. On August 3, 1987 we passed by voice vote a small provision in the Veteran's Housing Rehabilitation and Program Improvement Act which requires a 5 percent downpayment on the purchase of all VA repossessed homes.

In economically troubled areas such as Texas, Oklahoma, and Colorado, this provision is devastating. It is devastating to the first time home buyer interested in purchasing a Government-owned home. It is devastating to the employed, yet borderline, buyer who can't come up with the 5 percent downpayment. It is devastating to the sales agents eking out a living in distressed markets. And it is devastating to the Veterans' Administration which must pay dearly to maintain these unused and frequently vandalized homes in its inventory.

In a 90-county area of south Texas, there are currently 8,050 repossessed homes in the VA's inventory. An additional 15,853 are pending foreclosure. These numbers represent only south Texas. There are similar sums in central Texas and Oklahoma. By conservative estimates, it costs the VA $18 a day to carry each repossessed house. Simple arithmetic suggests that we are wasting about $50 million a year, and that if all the pending foreclosures occur we'll be wasting $150 million. The most remarkable aspect of this spending is that absolutely no one benefits from it.

The vast majority of these homes are in the economically distressed areas of Texas, Oklahoma, and Colorado, the oil belt. Other mass volume home sellers in these areas require little if any downpayment. For example, HUD requires only $100 down on purchases of its repossessed homes. The VA's new 5 percent downpayment requirement effectively prices VA repossessed homes out of the market in these economically distressed area. In fact, since the 5-percent downpayment provision went into effect on January 21, the number of bids on VA-owned homes had decreased to less than a third of the original number. The houses remain vacant and open to vandalism, and the Government is forced to waste vast sums of money to carry them.

I introduced legislation to correct this costly problem; legislation that would give the Administrator of the VA the ability to issue a waiver of the 5 percent downpayment provision for economically distressed area. This bill

does not repeal the 5 percent down provision which we passed last year, it simply introduces needed flexibility into the law. Our Government must begin to act in a competitive manner. And we must begin to eliminate wasteful spending. I urge my colleagues to step beyond the rhetoric about wasteful Government spending and support this bill which actually eliminates a wasteful Government policy.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Texas for his input.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Indiana [Mr. BURTON] the ranking Republican on the subcommittee for his remarks.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as ranking member of the Subcommittee on Housing and Memorial Affairs, I rise in strong support of S. 2022. In economically depressed areas, depreciating property values and large increases in the foreclosure rate have resulted in an increase in the number of unsold foreclosed properties in VA inventories.

The mandatory 5-percent downpayment, required to purchase one of these properties, prevents the VA from competing with private lenders in depressed areas of the Nation. In order to sell properties, many private lenders are using attractive financing packages which include low- or no-downpayment loans. The impact on the VA—and eventually the taxpayers—of a slowdown in VA sales would be catastrophic. The income generated by these sales is crucial to the Home Loan Guaranty Program. In order to compete with these other sellers, the VA must be able to offer similarly attractive financing.

S. 2022 would allow the VA to waive the requirement for a 5-percent downpayment on vendee loans in cases where the VA deems it necessary in order to compete with alternative financing packages.

Mr. Speaker, the VA Home Loan Program has helped millions of veterans achieve home ownership. The bill before us is good legislation which only acts to strengthen the VA Home Loan Program. I urge my colleagues to support S. 2022.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Indiana for his remarks.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in strong support of S. 2022, the Veterans Home Loan Program Emergency Amendments of 1988. This legislation is urgently needed to ensure the continued stability of the Veterans' Administration Housing Program.

The chairwoman of the Subcommittee on Housing and Memorial Affairs, MARCY KAPTUR, and DAN BURTON, its ranking member should be commended for bringing this important veterans bill to the floor in an expedited fashion. And of course, all of this has proceeded under the leadership of our chairman, SONNY MONTGOMERY.

Mr. Speaker, when a foreclosure occurs on a VA-guaranteed home loan, the VA has the option of paying the lender the unpaid loan balance and reselling the property. In reselling the property, the VA can finance the new loan. Under current law, a 5-percent down payment is required on the property.

This 5 percent down payment requirement was initially approved to help reduce the number of foreclosures on VA properties. However, in certain economically depressed regions of the country, most notably Houston, TX, this requirement has made it much more difficult for the VA to sell foreclosed properites. Given the market conditions in certain regions of the country, this requirement has proved to be counterproductive and the effect it has had was never intended by Congress.

S. 2022 would give the Veterans' Administration authority to waive the 5-percent requirement in regions where it is having an adverse effect on the VA's ability to sell foreclosed properties. This waiver is essential to maintaining the financial integrity of the VA housing program.

I strongly encourage all of my colleagues to support this important bipartisan legislation.

Mr. SOLOMON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Home Loan Program Emergency Amendments of 1988".

SEC. 2. DOWNPAYMENT REQUIREMENTS FOR VENDEE LOANS.

Section 1816(d)(4)(B) of title 38, United States Code (as amended by section 6(b)(1) of Public Law 100-198, is amended—

(1) by inserting "(i)" after "(B)"; and

(2) by adding at the end the following new division:

"(ii) A loan described in subparagraph (A) of this paragraph may, to the extent the Administrator determines to be necessary in order to market competitively the property involved, exceed 95 percent of the purchase price.".

SEC. 3. AMOUNT OF GUARANTY ENTITLEMENT.

(a) CONVENTIONAL HOUSING.—Section 1803(a)(1) of title 38, United States Code (as amended by section 3(a)(1) of Public Law 100-198) is amended to read as follows:

"(a)(1)(A) Any loan to a veteran eligible for benefits under this chapter, if made for any of the purposes specified in section 1810 of this title and in compliance with the provisions of this chapter, is automatically guaranteed by the United States in an amount not to exceed the lesser of—

"(i)(I) in the case of any loan of not more than $45,000, 50 percent of the loan; or

"(II) in the case of any loan of not more than $45,000, the lesser of $36,000 or 40 percent of the loan, except that the amount of such guaranty for any such loan shall not be less than $22,500; or

"(ii) the maximum amount of guaranty entitlement available to the veteran.

"(B) The maximum amount of guaranty entitlement available to a veteran under section 1810 of this chapter shall be $36,000 reduced by the amount of entitlement previously used by the veteran under this chapter and not restored as a result of the exclusion in section 1802(b) of this title.".

(b) MANUFACTURED HOUSING.—Section 1819(c) of such title (as amended by section 3(b) of Public Law 100-198) is amended—

(1) in paragraph (3), by amending the first sentence to read as follows: "The Administrator's guaranty may not exceed the lesser of (A) the lesser of $20,000 or 40 percent of the loan, or (B) the maximum amount of guaranty entitlement available to the veteran.";

(2) in paragraph (4), by amending the first sentence to read as follows: "The maximum amount of guaranty entitlement available to a veteran under this section shall be $20,000 reduced by the amount of any such entitlement previously used by the veteran."; and

(3) by adding at the end the following new paragraph:

"(5) The amount of any loan guaranteed under this section shall not exceed an amount equal to 95 percent of the purchase price of the property securing the loan.".

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to loans which are closed on or after February 1, 1988, except that they shall not apply to any loan for which a guaranty commitment is made on or before December 31, 1987.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2022, the Senate bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

□ 1415

LEGISLATION TO CORRECT IMBALANCES IN FISCAL YEAR 1988 DOD BUDGET

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, today, I and 19 of my colleagues are joining Congressman JIM HANSEN, our distinguished colleague from Utah, in introducing legislation to correct imbalances in the fiscal year 1988 DOD budget.

This bill is vitally needed in order to give the Secretary of Defense the flexibility he needs to meet the fiscal problems which have been caused in the Department of Defense by the fiscal year 1988 budget cuts.

This legislation, if passed, will require the Secretary to transfer funds into depot maintenance and civilian personnel salaries, in order to prevent adverse personnel actions during this year. It will also require him to reduce the backlogs which are expected in our depots DOD wide.

In order to do this, the legislation gives Secretary Carlucci $4 billion in transfer authority. This increase is needed because of the imbalance that now exists in the fiscal year 1988 DOD budget, due to the tremendous cuts O&M had to take in order to meet the Gramm-Rudman outlay targets.

Mr. Speaker, we have to protect O&M and the logistics pipeline which is the core to readiness. As we face a flat defense budget over the next few years, our focus must be on maintaining a force that can defend and protect the interests of this country. This legislation emphasizes our determination that operations and maintenance and personnel not be sacrificed for procurement and research and development.

I urge my colleagues to consider this legislation and join us in this effort.

WELCOME DÉTENTE BETWEEN GREECE AND TURKEY

(Mr. CLARKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE. Mr. Speaker, we had good news last month from Switzerland. Two of the distinguished participants in the World Economic Forum were Prime Minister Turgut Ozal of Turkey and Prime Minister Andreas Papandreou of Greece. The two leaders met and talked about problems endangering relations between these two NATO member countries, both good friends of the United States.

The results were unexpectedly positive. The two Prime Ministers agreed to hold summit meetings at least once a year. They will appoint a committee to discuss stubborn mutual problems and explore possible solutions. They will set up another committee to promote economic and cultural cooperation, which can help break down suspicion and mistrust on both sides.

Officials of both governments were reported jubilant. Ozal and Papandreou agreed that it was a breakthrough. In their joint communique they said that "creation of improved relations and confidence would require resolve, time and hard work."

Mr. Speaker, the Greek and Turkish governments have no illusions about the difficulty of solving their thorny and complex differences, but they have taken the first steps. We wish them well.

RELEASE KORNEL MORAWIECKI

(Mr. LIPINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Speaker, Congressman COURTER and I have initiated a letter to the Polish Government requesting the release of Kornel Morawiecki. He is the founder and chairman of a group known as Fighting Solidarity and is the last well-known figure linked to the martial-law upheaval in late 1981.

We believe the arrest of this man on November 9, 1987, was politically motivated and might represent a setback in the improved relations the United States and Poland have experienced in recent months.

Back in September 1986 the Polish Government released all 225 of the country's political prisoners. We all applauded this action and felt it contributed greatly to the current thaw in relations.

With the arrest of this man, however, the Polish authorities may be reverting back to a policy of jailing political opposition figures. I sincerely hope not.

What worries me, Mr. Speaker, is the fact that no one has had any contact with him since his arrest. His own daughter was denied permission to see him on December 11, 1987.

He has been at-large for over 6 years and may face especially cruel retribution at the hands of Government security forces. From what I've heard, Soviet KGB agents have been sent in to help conduct the interrogation.

His ostensible crime is that he was caught smuggling and using false identity cards. I believe he was exercising his right to freedom of association and expression—rights guaranteed under the U.N. International Covenant on Civil and Political Rights and the Helsinki accords. Both of these documents were signed and ratified by Poland.

I urge my colleagues to join with me and Congressman COURTER in sending this letter. At the very least, we have an obligation to make sure this freedom fighter in Poland is not being ill-treated during his incarceration.

WHEELS OF MISFORTUNE

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, the Japanese trade surplus with the United States continues to bear fruit as yesterday another plum dropped off the American corporate tree when Bridgestone, a Japanese company, bought the tire division of Firestone.

This was just another daily episode of the show "The Wheels of Misfortune." But this should surprise nobody: For years, the U.S. trade policy has been conducted with a game show mentality.

We buy Japanese products; they buy United States assets. The Firestone tire division was a steal at $1 billion.

But it's only a game! And we play games according to Hoyle, which obviously has not been translated into Japanese. Why else would there still be trade barriers when the Japanese have a $59.8 billion trade surplus? Why should it matter that they're winning—it's only game show money.

U.S. contestants buy letters, spin the wheel, and go bankrupt. The Japanese don't have to spin the wheel; they know the answers; they buy the prizes.

And you know the rules: You must buy the prizes offered, and corporate and real estate America are the prizes.

American players bought a,g,h,n,m and went bankrupt, the Japanese instantly knew this to be hangman, and unfortunately, we've been hung out to dry.

A PRIVATE BILL FOR THE RELIEF OF T.W. ROUNDS CO.

(Mr. ST GERMAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ST GERMAIN. Mr. Speaker, today I am introducing a private bill for the relief of the T.W. Rounds Co. of Providence, RI. Let me explain why Congress should provide overdue relief denied by the U.S. Customs Service in this classic case of injustice at the hands of Government bureaucrats.

In May 1985, Mr. Chester Myers, of the T.W. Rounds Co., was coming back from a buying trip in Europe carrying name brand luggage he is authorized to import into the United States. Upon arrival at Logan Airport, Mr. Myers was prepared, as usual, to pay the duty owed on his merchandise which was worth $6,144. However, it was Memorial Day and Mr. Myers was told he would have to leave his merchandise with Customs for formal entry at a later date. He was given a receipt. Nearly 3 years later, Mr. Myers has neither his merchandise nor compensation for his company's loss.

After 2½ years of letters, telegrams, attorneys, and one embarrassingly inadequate Customs investigation, Mr. Myers asked me for help. After yet another investigation, the Customs Service finally admitted they had made a mistake. Mr. Myers' merchandise, it seemed, had been improperly released to a representative of a third party. The third party denied that the recipient was employed by them, but the third party claimed to have returned the merchandise to Customs which still did not have the merchandise. Confused? Well, it doesn't really matter because the law says the Gov-

ernment doesn't have to pay if Customs loses your merchandise.

Mr. Speaker, this law is absolutely outrageous. If the Government admits they lost a taxpayer's property through negligence, the Government should have to provide compensation. This private relief bill provides the T.W. Rounds Co. with this compensation—just compensation which I hope Congress will approve without further delay.

MOTION TO INSTRUCT CONFEREES ON H.R. 5, SCHOOL IMPROVEMENT ACT OF 1987

The SPEAKER. For what purpose does the gentleman from California seek recognition?

Mr. DANNEMEYER. Mr. Speaker, I have a motion at the desk to instruct conferees.

The SPEAKER. For what purpose does the gentleman from Illinois [Mr. MADIGAN] rise?

PARLIAMENTARY INQUIRIES

Mr. MADIGAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MADIGAN. Mr. Speaker, it was my understanding that before any consideration would be given to a motion to instruct conferees that the Speaker was going to conclude the 1-minute speeches.

The SPEAKER. The Chair would like to accommodate Members seeking to be heard on the 1-minute rule but under the rule a motion such as would be proposed, as the Chair understands it, to instruct conferees would take precedence if a Member sought to press that matter at this time and under the rule would be more privileged.

Mr. DANNEMEYER. Mr. Speaker, that is my request.

Mr. MADIGAN. Further pursuing my parliamentary inquiry, Mr. Speaker, does the Chair then as a matter of custom in the House recognize people on the basis of seniority with regard to committee assignments on matters such as this?

The SPEAKER. The gentleman is correct. If two or more Members seek recognition for motions of equal privilege, it would be the custom of the Chair to recognize the Member most senior on the committee of jurisdiction.

Mr. MADIGAN. Mr. Speaker, the Speaker has just described my situation. I am the senior member and pursuant to a previous order of the House I have a motion at the desk.

Mr. DANNEMEYER. I have a further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. DANNEMEYER. Since the Speaker previously recognized his Member and this Member responded that I have a motion at the desk to instruct conferees and I choose to go forward with it at this time pursuant to a unanimous-consent request of last week, does that not give this Member since I was recognized for that purpose priority to proceed at this time?

The SPEAKER. Well, the gentleman is correct, the gentleman did seek recognition for the purpose of making a motion and then the gentleman from Illinois rose with a parliamentary inquiry and the Chair recognized the gentleman from Illinois for that purpose. And it is the Chair's understanding that each of the two gentlemen standing desires to offer a motion to instruct conferees. Is that correct?

Mr. DANNEMEYER. That is correct, Mr. Speaker.

Mr. MADIGAN. That is correct, Mr. Speaker.

The SPEAKER. Well, the Chair, under those circumstances, following the general precedents of the House would recognize the more senior minority member of the two minority members on the committee of jurisdiction.

Mr. DANNEMEYER. Mr. Speaker, I have a further parliamentary inquiry. I appreciate that the Speaker is hesitating a little with respect to his tentative decision, but this Member actually was recognized before my colleague from Illinois was recognized and I would think on that basis that this Member should have priority for making this motion.

The SPEAKER. The gentleman's motion had not been placed before the House. The gentleman had sought recognition and the Chair had said, "For what purpose does the gentleman seek recognition?" The gentleman from California had said, "For the purpose of offering a motion to instruct conferees."

Mr. DANNEMEYER. That is correct, Mr. Speaker.

The SPEAKER. And the Chair was about to ask the Clerk to report the motion when the gentleman from Illinois stood and sought recognition. The Chair said to the gentleman from Illinois, "For what purpose does the gentleman rise?"

Mr. DANNEMEYER. If I may further be heard on my inquiry, if I understand the gentleman from Illinois correctly, he achieved recognition on the basis of a parliamentary inquiry.

The SPEAKER. The gentleman is correct.

MOTION OFFERED BY MR. MADIGAN

Mr. MADIGAN. Mr. Speaker, pursuant to a previous order of the House, I offer a motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. MADIGAN moves that the managers on the part of the House appointed for consideration of section 7003 of the Senate amendment to H.R. 5 be instructed to agree to language that offers a solution to the dial-a-porn problem.

PARLIAMENTARY INQUIRIES

Mr. DANNEMEYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DANNEMEYER. Mr. Speaker, when a motion to instruct conferees is pending, as is the situation with the gentleman from California having made such a motion, is it in order for the House to then consider another motion to instruct conferees?

The SPEAKER. Is the gentleman asking would it be in order for him to offer an amendment to the motion?

Mr. DINGELL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The Chair is advised that the gentleman from California could offer an amendment to the motion of the gentleman from Illinois but only if the previous question were voted down. If the previous question on the motion of the gentleman from Illinois should be ordered, then his motion would have to be voted upon without intervening motion.

□ 1430

Mr. DANNEMEYER. Mr. Speaker, if I might be heard further on my parliamentary inquiry, I do not quite see how we could get to the point where we could consider the motion offered by the gentleman from Illinois to instruct conferees when, at the time the gentleman from Illinois is making his motion, there is already a motion by this gentleman from California to instruct conferees pending at the desk. And I have not withdrawn that motion.

The SPEAKER. The motion of the gentleman from California had not been stated and was not pending before the House. The gentleman had sought recognition for the purpose of offering a motion to instruct conferees. The gentleman from Illinois asked, on a parliamentary inquiry, in a situation involving two minority Members, each seeking recognition for the purpose of offering a motion to instruct conferees, as to which of the two Members under the precedents would be recognized. The Chair replied that the senior of the two on the Committee of Jurisdiction, under the precedents, would be recognized, and the gentleman from Illinois offered a motion, he being the senior of those seeking recognition for the purpose of offering a motion.

Mr. DANNEMEYER. Mr. Speaker, I wonder if I could ask the indulgence of the House for the purpose of having the record read back for the purpose of determining whether this gentleman from California was recognized for the purpose of making a motion to instruct conferees.

Mr. DINGELL. I would have an objection, Mr. Speaker. I would have to observe that I think that is a unanimous-consent request, and it is taking a great amount of the time of the House at a time when we have other business pending. I would have to object.

The SPEAKER. The Chair has recognized the gentleman from Illinois, and the gentleman's motion has been read and is now pending before the House. The gentleman is entitled to 1 hour on the motion.

Mr. DANNEMEYER. I have a further parliamentary inquiry, Mr. Speaker.

What happened to my motion?

Mr. MADIGAN. It was never read.

Mr. DANNEMEYER. Yes. it was.

Mr. SOLOMON. Mr. Speaker, he was recognized for the purpose of offering an amendment, and the record will show that.

The SPEAKER. The Chair will state again the situation.

The gentleman from California sought recognition. The Chair asked the purpose of his seeking recognition, and he said he sought recognition for the purpose of offering a motion to instruct conferees. The motion was not made prior to the rising of the gentleman from Illinois to ask by unanimous consent if it were proper to entertain such a motion before the completion of the 1-minute unanimous consent requests. The Chair replied that the Chair would prefer to accommodate Members seeking to be heard under the 1-minute rule first and then entertain the motion, but that the motion really does have priority under the rules to a unanimous-consent request to be heard for 1 minute, and that if the gentleman insists upon offering the motion at that time, the Chair would entertain the motion.

Then the gentleman from Illinois asked if two Members, each desiring to offer such a motion, were simultaneously to seek recognition, which of two Members should be recognized under the precedents of the House, and the Chair replied: The senior of the two on the Committee of Jurisdiction.

Mr. DANNEMEYER. At that point, Mr. Speaker, on the basis of the Chair's own analysis, with all due respect, when I stood for recognition, there was not someone else asking for recognition. It was not done simultaneously.

Mr. DINGELL. Mr. Speaker, may I call for the regular order?

The SPEAKER. The Chair is trying to preserve the regular order and thinks that the Members are entitled to understand exactly what is going on and are entitled to ask questions and to be accommodated to the extent of the Chair's ability to accommodate them.

The fact is that two Members sought recognition for the same kind of motion, for a motion to instruct conferees. The motions having equal precedence and priority, the question arose as to which of the two Members should be recognized for the purpose of making a motion. The Chair replied that the precedents hold that the senior of the two or more Members seeking recognition is entitled to be recognized. The gentleman from Illinois asked then to be recognized for the purpose of offering that motion. The Chair recognized the gentleman from Illinois. The motion has been read. The motion offered by the gentleman from Illinois to instruct conferees on H.R. 5 is the pending order of business.

The gentleman from Illinois [Mr. MADIGAN] is recognized for 1 hour.

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset I would like to explain to the Members of the House that the gentleman from California [Mr. DANNEMEYER] and this gentleman from Illinois, along with the gentleman from Virginia [Mr. BLILEY] and the gentleman from Michigan [Mr. DINGELL], who are here on the floor, are all members of the same committee and all interested in the same issue. We are members of the Energy and Commerce Committee, and we are interested in the dial-a-porn problem, this business of young people being able to pick up a telephone, dial a number, hear a pornographic recording, and sometimes do that on a long-distance basis, with their parents ultimately being responsible for that long-distance charge. All of us are interested in dealing with that problem.

In the other body an amendment was adopted to section 7003 of the bill, H.R. 5, and that amendment dealt with the dial-a-porn problem in a manner which many of us considered to be of constitutional legitimacy. We are concerned that because of the constitutional questions associated with the Senate language, the conferees might choose to drop that language rather than proceed with something that, on the face of it, clearly seems to be unconstitutional.

So I am offering here a motion to instruct conferees to simply agree to language that offers a solution to the dial-a-porn problem. I offer this language as a senior member on my side of the aisle of the Energy and Commerce Committee, and on behalf of myself and on behalf of the gentleman from Virginia [Mr. BLILEY], another member of the committee to whom I wish to yield at this point.

Mr. BLILEY. Mr. Speaker, I thank the gentleman from Illinois for yielding.

Mr. Speaker, let me say to my colleagues, and in particular to my friend, the gentleman from California, and my other colleagues on the Energy and Commerce Committee, that the motion that he had wished to make addresses an amendment put on by the other body that is identical to a bill of which I am the chief cosponsor in the House.

Now, Members may wonder why I would be here speaking in favor of this motion. The reason is this, Mr. Speaker: I have been trying, along with others, including members of this committee, a majority of whom are cosponsors of my bill, to deal with this problem for 5 years. In the meantime, children have been making these calls continually, and if we were in conference to agree to the language of the other body and if the bill comes back and is approved by this body and the other body and goes to the President and becomes law, we would still not be closer to a solution of the problem, because immediately the purveyors of these messages would go into court and get a restraining order, and then it would be litigated for not days or months but years before we got a solution, and maybe we would get the one we sought and maybe we would not.

I have continued to work on this problem, and I must say we have made a lot of progress. I think that we will, under the language of the gentleman's motion to instruct in the conference, be able to work out whereby we will solve the problem through technical means without getting into any first amendment considerations. I think that is what we would all like to see happen, and I think we would cut the ground out from under the people who would go into court. They may go into court on other grounds, but they would not be able to use the first amendment.

Mr. Speaker, that is what it is all about, and that is why we need this language.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield so I may ask a question of the gentleman in the well?

Mr. MADIGAN. I yield to the gentleman from Indiana for the purpose of debate only.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding.

The question I have is that regardless of whether the motion of the gentleman from California were to prevail or the motion to instruct offered by the gentleman from Illinois, it seems to me that these purveyors of smut are going to take the final result to court anyhow, so the stronger language, it seems to me, would be the right course of action, because we want to stop this stuff from getting to our children.

Mr. BLILEY. Mr. Speaker, will the gentleman yield further?

Mr. MADIGAN. I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the difference is that they may well go to court, but if we are successful in working out the language, as I think we will, they will not be able to go to court on first amendment grounds. They would have to go to court on some other grounds, and thereby we believe and the lawyers who have advised me believe that they would not have a strong case. That is the reason for this motion, I say to the gentleman from Indiana.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would ask that the gentleman from Virginia stay in the well, please, for just a moment, just so we can get a little background on what this issue is and how we got to this point. As the gentleman from Virginia has pointed out, for the last 5 years he has worked passionately in the Subcommittee on Telecommunications and Finance to find some resolution on this issue.

The problem has been that almost every formulation which deals with this issue from an obscenity perspective or indecency standpoint has been challenged and challenged successfully in the courts of this country.

The gentleman from Virginia and I met in September of last year in my office, and I agreed to work with the gentleman from Virginia to construct a regulatory and technological solution to his problem which would be able to overcome the first amendment objections and at the same time still create difficult barriers for any child to gain access to this dial-a-porn service without the permission of their parent by giving to the parent an access code or setting up some other technological barrier so that the child would have to get from the parent if they were going to dial it; otherwise the service would not be available to the home.

We have been working hard over the last 5 months to construct a compromise solution. We at this point have an understanding in principle among the ACLU and the Citizens for Decency, along with the gentleman from Virginia, the gentleman from Michigan, and myself, to try to resolve the first amendment issues while at the same time creating this technological bar of children gaining access without their parents' permission, thereby circumventing the first amendment problem while at the same time dealing with people's primary concern, which is children's access to this service without the parent's consent.

The gentleman has thoughtfully illuminated a dilemma. We have a real world solution which we are considering in the context of the conference committee, and the type of instruction which we are potentially presented with by the gentleman from California is one that again raises the specter of first amendment problems that again brings us right down the same road that has given us all these difficulties over the last 5 years.

This is an issue that we want to deal with on a bipartisan basis. There is uniform concern in the House over this issue, and I believe the motion offered by the gentleman from Illinois is one that is reflective of our general sense that we want to get a bipartisan resolution of the issue.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I yield to my colleague, the gentleman from California, for the purpose of debate only.

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, I think it would be helpful for the Members of the House to understand what this squabble is all about and where we are. The issue involved in this squabble is whether or not we in the House today are going to vote on the issue of banning dial-a-porn in America. That is the issue. I happen to believe that the people of this country are outraged at what has developed in the telephone industry.

They are making millions of dollars out of this trash. There are powerful forces at work in this country that can keep open the window for the continued availability of dial-a-porn. I am not suggesting that my colleague, the gentleman from Illinois [Mr. MADIGAN], or the chairman of the committee, the gentleman from Michigan [Mr. DINGELL] are in that group. They are not. These two gentlemen, along with my good friend, the gentleman from Virginia [Mr. BLILEY], have been working diligently to provide a vehicle for following constitutional muster but narrowly restricting the availability of dial-a-porn so as to preclude its availability to kids.

□ 1445

That is what they are struggling to do and I commend them for it. They have been struggling to reach this compromise for over a year. I hope they will continue with that struggle, because like anything else around this place, issues are not resolved today. They come up tomorrow, but this issue today will permit those of us who believe that dial-a-porn does not belong in the culture of America to say so with our votes.

This place is supposed to be built on accountability. The Senate has already voted 98 to nothing to implement what I seek to do here today in my motion to instruct. If I were successful in offering my motion to instruct, the effect of it would be that the authorization for dial-a-porn would be stricken from the Federal law which we adopted in 1983. That is the reason it is on the books today. It would just say it will be no more, whether it is for adults or kids, and I think that is the proper course.

The compromise that my good friends are seeking to adopt would, if I understand it, permit a telephone subscriber as a condition precedent to notify the telephone company that they want to get dial-a-porn. Now, what does that do?

Mr. MADIGAN. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I am happy to yield to my friend, the gentleman from Illinois.

Mr. MADIGAN. There is no language like that here. What I am offering is a motion that says: "Mr. MADIGAN moves that the managers on the part of the House appointed for consideration of section 7003 of the Senate amendment to H.R. 5 be instructed to agree to language that offers a solution to the dial-a-porn problem."

If I might continue, the reason I am doing that and the only reason that I am doing that is because the language adopted in the Senate, which the gentleman from California would like to adopt here in the House in a motion to instruct conferees, has been called into question by many of the lawyers here in the House and in the Senate and other constitutional authorities, saying that language simply goes beyond anything that would be found to be constitutional in a court challenge.

So we are hoping to have the opportunity to resolve this issue in the conference between the two bodies in a way that would not be found to be unconstitutional, and that is what the language of my motion does, and it does not say anything about access buttons or access codes or anything like that.

Mr. DANNEMEYER. I agree. The motion does not relate to that language, but the compromise agreement that was discussed here on the floor before this squabble developed contained an element whereby a telephone subscriber would be able to tell the telephone company that they wanted a continuation of subscriber services of this nature, the affirmative action of the subscriber, and that is the defect in it, because how would the occupant of the home, the parents, know what their kids are doing?

Mr. MADIGAN. Mr. Speaker, if the gentleman will yield again, and the gentleman knows we have plenty of time. I have yielded to the gentleman and if I am interrupting his train of thought, I apologize; but the language

the gentleman would offer includes such references as "indecent language."

Now, I do not know how—that is going to be a very subjective judgment and I do not think that 218 Members of the House could agree on what is indecent language, and the court has already indicated in past sessions that they are unable to agree on something like that; so I think the gentleman begs a court reversal of what he attempts to do, unless the gentleman gives us some opportunity to work this thing out in a way that would be found to be constitutional.

Mr. DANNEMEYER. May I respond?

Mr. MADIGAN. I yield to the gentleman from California.

Mr. DANNEMEYER. Mr. Speaker, let me respond to that.

The existing language of the law says that any obscene or indecent communication—that is the disjunctive—and admittedly the word "indecent" has different meanings in our court system, but the word "obscene" has a definite understanding in constitutional law. It has been proscribed. It is not constitutionally protected and the amendment that I am offering would have the effect of continuing the utilization of the word "obscene" in the statutory law of the country that would effectively prohibit dial-a-porn.

Mr. Speaker, do I have the time? Could I yield to the gentleman?

Mr. MADIGAN. No, I have the time, and I have other Members who have previously asked for recognition. I have yielded to the gentleman from California and would appreciate if he would continue and conclude his thoughts.

Mr. DANNEMEYER. I just have a comment that I would like to make here.

This incident occurred on July 26, 1987. It came from a parent talking about what happened in its family.

"Dial-A-Porn" has deeply affected my family and friends. My 13-year-old son, Kevin called the 900 number. Kevin's friend Don, 15, was over and they were listening to the prerecorded messages. Later when I arrived home from work I immediately made them hang up. Unknown to me, Kevin's 14-year-old brother was listening on another line with his two friends. They continued to listen passing it back and forth. Their sister Jacqueline, 10 was also listening on her extension.

Within 48 hours Don and his 11-year-old brother molested my daughter Jacqueline. The Clio Vienna Township Police were notified and in their investigation revealed the fact that Jacqueline had encouraged them by asking them to touch her and "Do it with her"—phrases she heard on the "Dial-a-porn". Later the same day I learned that Kevin had sexual intercourse with a girl. His response when asked why was "it sounded like fun." I asked him, "What sounded like fun?" and he said "You know the phone call, the $74 phone call."

This phone call has damaged our lives. It has caused strain and distrust in our family. We have had conflict with our neighbors when we had to inform them of their children's involvement. Most of all the permanent damage it's done to our daughter. Somehow the proper steps must be taken to eliminate this diseased pornography that is so readily available to children. Please help our children to prevent such occurrence again.

My point is that even with the compromise that has been talked about on the floor, not a part of the gentleman's motion to instruct conferees, it would still make dial-a-porn available to kids in those homes who had opted to provide, or as a subscriber asked for the availability of dial-a-porn. I do not think as a policy that is the direction Congress should be taking. I think we should be voting here today to eliminate dial-a-porn from the culture of America.

I intend to ask for a roll call vote on the previous question. For those Members who choose to vote yes on the previous question, that means they are voting for the continued availability of dial-a-porn in America. If you vote no on that previous question, that means you will be given a chance to vote on the motion that I would like to make, and but for the intervention of my distinguished senior member on the committee, the gentleman from Illinois [Mr. MADIGAN], I would have been able to make and would say that there will be no more dial-a-porn in America.

I ask for the ability of the House to make that motion so that we can express ourselves on this sensitive issue in the culture of America today.

I thank the gentleman for yielding me the time.

Mr. MADIGAN. Mr. Speaker, just very briefly reclaiming my time, in response to the gentleman from California who just spoke, a vote on the previous question will not be the vote that the gentleman describes at all. The vote on the previous question will be a vote on the previous question on my motion to instruct the conferees from the two bodies to agree to language that offers a solution to the dial-a-porn problem.

It is not a motion to postpone this until some future time. It is a motion to instruct the conferees to find a solution to it in this conference and to come back from that conference to this body and the other body with that solution.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. DINGELL], the chairman of the Energy and Commerce Committee.

Mr. DINGELL. Mr. Speaker, I want to thank the distinguished gentleman from Illinois for yielding to me. I want to commend him for his leadership in this matter.

As the chairman of the House conferees, I will accept his instruction.

I want to commend the gentleman from Illinois [Mr. MADIGAN] for his long effort on this matter and for the leadership he is showing today.

Dial-a-porn is one of the most obnoxious and contemptible forms of constitutional abuse which we find today. It is a perversion of free speech. It is the sale of some of the vilest and ugliest kinds of human behavior and human emotions for money. I want to commend the gentleman for his instructions, because I believe that this obnoxious practice should be limited to the fullest extent permitted by the Constitution.

Now, I gather that there is some difference over the precise form of the motion to instruct. I want to observe that the gentleman from Illinois has come forward with an excellent instruction to the conferees. I want to tell my colleagues that his instruction will be accepted by the conferees and that we will go as far as we can while remaining faithful to the Constitution in bringing this obnoxious practice to a halt. We will see to it that our young people are protected from this ugly and improper practice to the fullest extent possible within the limits of the Constitution.

The gentleman from Illinois is providing leadership and he is supporting the leadership of the distinguished gentleman from Virginia [Mr. BLILEY] who has long been interested both as a decent Christian and a fine human being, in preventing this kind of practice on publicly licensed and regulated facilities.

I believe the fact that the gentleman from Illinois [Mr. MADIGAN] has made it possible today for the House to express its thoughts on this issue of great importance and will assure us that we have the support of the House when we go to conference with the Senate on this question.

We should not quibble about the precise instructions to the conferees. It is plain that the conferees are going to go to the Senate and try on behalf of the House to achieve the best possible resolution of this issue. This resolution, which will remain within the framework of the Constitution, should assure that the necessary statutory steps are taken to bring this obnoxious practice to a halt.

I think that we should vote yes on the previous question. We should not quibble. In addition, we should not allow a situation where the question of constitutional inhibitions should be used to prevent the strongest possible interdiction by Federal statute against this practice of dial-a-porn.

The gentleman from Illinois [Mr. MADIGAN] has provided us with valuable leadership. I urge my colleagues to vote yes on the previous question and on the instruction. I urge them to recognize that the gentleman from Illinois, the gentleman from Virginia [Mr. BLILEY], and the gentleman from

California [Mr. DANNEMEYER] will be working with other Members of the House who can bring this practice to a halt and move forward on this business which is of great importance to every American.

Mr. MADIGAN. Mr. Speaker, I yield to another member of the Energy and Commerce Committee, the gentleman from Illinois [Mr. COATS] who has been working on this problem for some time.

Mr. COATS. Mr. Speaker, I thank the gentleman from Illinois for yielding.

I regret, Mr. Speaker, that we are here today arguing with each other in this fashion, because I do not believe there is a Member of Congress on this floor who supports what is going on with dial-a-porn. We had hearings before our Energy and Commerce Committee in which many of us sat and listened to the presentations that were made about the problem of dial-a-porn, about the impact it is having on our society, and the evil impact it is having on our young people. As we sat through these hearings, we struggled with how to best deal with this problem. We have constitutional problems. We have court problems.

No one has been more vociferous or more tenacious on this issue, than the gentleman from Virginia [Mr. BLILEY]

I regret that we find ourselves in a position today that because the gentleman from Virginia [Mr. BLILEY] has come up with a solution which he believes will stand court muster. However, this is not accepted by some other members of our committee. They say that a vote for the Madigan motion in a sense is a vote for dial-a-porn and that a vote against is a vote against dial-a-porn. I do not think that is the case. That is not what the gentleman from Illinois has in mind. It is certainly not what the gentleman from Virginia has in mind. He has worked diligently for more than 1 year on this issue, trying to bring about a compromise that will stand court muster, that will eliminate dial-a-porn, eliminate access to dial-a-porn for our young people and deal effectively with this problem that we have all been struggling with for so long.

□ 1500

The marketing of this dial-a-porn program is obnoxious, it is not discriminatory, and it is not directed just to adults. Members of my staff have received solicitations through the mail, attached to their windshield wipers, distributed on their doorsteps which have said, "If you want to make love with Susie, call this number," and so forth. I will not go into all of the graphic detail as I did in committee. This is the kind of thing that falls in the hands of our young people. It is very tempting to our young people. A simple phone call brings them this kind of indecency, and none of us wants to support that.

But what we are struggling with here, and what the gentleman from Virginia is attempting to do, is to come up with a solution that will not throw the issue into the courts. They have not been successful in dealing with this issue for year after year after year and leave us in limbo on this situation.

I wish the phone companies would have had the courage, would have the guts to come forward and say we are not going to offer this kind of service and we will go forward and stand the court test, and we will fight this. I think they would have been on the side of the people. They would have been on the side of decency, and I regret that in some cases perhaps profit motive has directed them into not taking the stand they should have.

However, despite what their lawyers tell us, there are constitutional problems, court problems, and legal problems. Legal scholars have come before the committee and told us there are constitutional problems and that if we go ahead with the solution the gentleman from California [Mr. DANNEMEYER] proposes, we will simply end up in the courts. We will not stop dial-a-porn, we will not impose a solution to the problem of having dial-a-porn impact on our young people, and we will be fighting this battle on legal grounds for months and years to come.

The gentleman from Virginia [Mr. BLILEY] has come forward with what he thinks is a technological solution to the problem. I say let us give it a shot.

These Members appointed as conferees have pledged to us here today that they are going to vigorously pursue this effort and that this is not a compromise. This is a different solution. We are not compromising on this issue. No Member is standing here compromising on the issue. We are trying to find a compromise on the solution. One that will bring about a resolution of the problem.

I hope that is what we can accomplish. If we cannot, I will be the first one to come back here and support the gentleman from California [Mr. DANNEMEYER] whose position I support 100 percent. Everything he said about dial-a-porn, I agree with. I will be the first one back here to say, "BILL, the other one did not work; let us go your way, take our chance with the court and try to put it in place."

I thank the gentleman from Illinois for his efforts in this regard and I particularly thank the gentleman from Virginia for his efforts and I regret that he is being cast in a light of compromising on an issue he feels so deeply and strongly about.

Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. MADIGAN. Mr. Speaker, I thank the gentleman from Indiana for his contribution, and for purposes of debate only I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we are dealing with a filthy, filthy business here, and it seems to me that there is nothing that we can do in this body that would be too tough in terms of ending this filthy, filthy business. And the fact is for all of the constitutional arguments that we have heard on the floor here in the last few minutes, the other body has in fact acted 98 to nothing on precisely the language the gentleman from California would have us approve. It seems to me if there were serious constitutional problems that maybe somebody over there would have found some of those serious constitutional problems before they voted 98 to nothing for this particular proposition.

What the gentleman from California is trying to do is make certain that the elimination the folks in the other body thought was important in fact gets acted on by the conference. So that is the real question, it seems to me, that is posed before us.

Do we take the weak approach, not that the people who are acting here are acting in bad faith, but the approach that they are asking us to take is a weaker approach than what the gentleman from California wants us to take, because what we would have before us in the motion offered by the gentleman from Illinois is a proposition that the conference committee ought to discuss a solution.

What the gentleman from California is saying is let us eliminate the problem. I think that we ought to vote with the gentleman from California. Vote no on the previous question so that the gentleman from California can offer his amendment that will say to the conferees eliminate the problem, get rid of this filthy, filthy business, and then the courts will do what the courts are going to do. But I would suggest that this constitutional argument that all of a sudden has been thrown into the middle of this debate is in fact something that was not given very serious consideration in the other body and that our position ought to be let us at least be as tough as they were on the other side of the Capitol. Let us just get tough here, and let us eliminate this filthy business.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I am glad to yield to the gentleman from New York, my colleague.

Mr. SOLOMON. Mr. Speaker, I would just like to point out the point the gentleman is making, and with all due respect to my good friend, the gentleman from Illinois [Mr. MADIGAN] who I know is sincere on this issue,

and especially to the gentleman from Michigan [Mr. DINGELL] chairman of the committee whom I have defended on attacks by the New York Times time and again, I have deep respect for him, but let me just say if there is sincerity on the part of all of the people who are supporting this, let us withdraw the Madigan motion and let the gentleman from California [Mr. DANNEMEYER] offer his motion. Then there is no question the conferees will accept this because the Senate has passed it 98 to nothing. This House will instruct the conferees to support it and then we will ban dial-a-porn.

If there is a question in any of my colleagues' minds as to whether this is constitutional, and I have heard no constitutional lawyers, including my good friend, the gentleman from Illinois, HENRY HYDE, raising any objections on this side of the aisle because I think it is constitutional, if there is a question then let us put our money where our mouth is. Let us pass the Dannemeyer motion to instruct. Then let us pass the gentleman's amendment, his motion to instruct in the form of legislation. Let us put them both on the desk of the President, and let us have them both signed into law. Then we will ban dial-a-porn forever.

If it is found unconstitutional, here is the backup piece of legislation.

I recall to my colleagues what happened to the Solomon amendment 5 years ago when similar arguments were made when I tried to offer amendments on this floor to ban Federal aid from going to draft dodgers, to young men and women who refused to register for the draft. Many people, including PAUL SIMON, who is running for President of the United States, said that is unconstitutional, and for months and months they blocked my amendment, until we finally passed it. It went to the President. He signed it, and it went to the Supreme Court, was tried, brought by an action by the University of Minnesota. The Supreme Court upheld the so-called unconstitutional Solomon amendment by a vote of 7 to 2. So much for unconstitutionality.

That solves both your problems. Let us support the gentleman from Michigan [Mr. DINGELL], let us support the gentleman from Illinois [Mr. MADIGAN], and let us support the gentleman from California [Mr. DANNEMEYER]. Let us pass both of these and test them in the courts.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from Michigan, chairman of the subcommittee.

Mr. DINGELL. Mr. Speaker, I think the gentleman from Illinois [Mr. MADIGAN] has shown extraordinary statesmanship and patience in connection with this debate. It appears that we are in the midst of a monstrous quibble. It has been said there is some legislative language that can be voted on. However, as we have not yet gone to conference there is no specific language to consider at the moment. We will be going to conference soon and I have already made a pledge concerning the goals of the conferees. I am sure the conferees, including myself, the distinguished gentleman from Massachusetts [Mr. MARKEY], the chairman of the subcommittee, as well as the other conferees, the three Democrats and two Republicans, will be given ample opportunity to participate. We are going to work together and write strong language to deal with this problem.

I think rather than getting ourselves in an enormous dialectical hassle over how many angels can dance on the head of the pin, or who is most opposed to dial-a-porn, we should simply support the previous question, as well as the motion to instruct the conferees offered by the gentleman from Illinois [Mr. MADIGAN]. We should recognize that this is a motion offered in good faith. We should also recognize the comments made by those of us who will be participating in the discussions with the Senate, and recognize that we are going to find the strong and most effective way to bring to fruition the long efforts of the gentleman from Virginia [Mr. BLILEY] and others who have been seeking to bring this obnoxious practice to a halt. I assure my colleagues we will make our best effort toward that end, and I thank my dear friend from Illinois for yielding.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I am happy to yield to the gentleman from Massachusetts, chairman of the subcommittee.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Illinois for yielding.

Mr. Speaker, I want to make one thing very clear here, and that is that all of the conferees have every intention of being tough in terms of resolving this issue, but at the same time we intend on being smart. We want to resolve the issue in a way which effectively solves the problem at hand. We do not want to pass legislation which brings us years of litigation, and on an issue in which we know that just 3 weeks ago the second circuit court recognized the constitutional problem and decided that Congress may not ban indecent telephone language and in which we know from testimony before our own subcommittee just 4 months ago by the U.S. attorney from Utah, the chief prosecutor of these cases who testified before our subcommittee that the Helms language is, in his opinion, on its face, unconstitutional, that it will just buy us years of trouble, years of litigation, and ultimately have us engaging in further futile activity.

The gentleman from Virginia [Mr. BLILEY] is the single most sincere Member of Congress in terms of his desire to see a resolution of this issue. He is telling us that the message that is delivered by the gentleman from Illinois [Mr. MADIGAN] in his instructions to the conferees will give us the latitude to produce for the House a resolution of this issue.

I promise the gentleman from California that all of us, the gentleman from Michigan, the gentleman from Massachusetts, all of us have an interest in resolving this issue now. And if we can stand together, I give my colleagues my promise, and the chairman of the committee, the gentleman from Michigan, I know shares my view that we will do everything in our power to resolve this issue as part of this conference and to give my colleagues something that will stand constitutional questions and challenge.

The motion offered by the gentleman from Illinois should be supported. A yes vote is the correct vote if Members of this body seek to find a constitutionally passable piece of legislation which will deal once and for all with this question of pornography being in fact made available to minors without the permission of their parents. We think that we are very close to resolving that issue, and if the motion offered by the gentleman from Illinois [Mr. MADIGAN] is accepted, I think we have a very good chance of delivering that to the House.

Mr. MADIGAN. Mr. Speaker, in summary I would like to say that I have offered this motion on behalf of the gentleman from Virginia [Mr. BLILEY] and the gentleman from Indiana [Mr. COATS] who are both members of the appropriate subcommittee of the Committee on Energy and Commerce which has been involved in this dial-a-pornography over the telephone business for some number of years, now almost 5 years, I believe. Those two gentlemen have had the opportunity over a period of 5 years in that subcommittee to hear a lot of testimony from various constitutional scholars, prosecutors and others as to what kind of language would be found to be constitutional by the Highest Court in this land, and what kind of language would not be. Clearly these two gentlemen, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Indiana [Mr. COATS] are saying that the language the gentleman from California [Mr. DANNEMEYER] would like to offer is language that has been said to be by all the expert witnesses that have come before their subcommittee language that would be found to be unconstitutional. Even the U.S. Department of Justice has raised questions about the constitutionality of the language that would be offered

here if my motion to instruct conferees were not to be successful.

The motion that I have offered to instruct conferees says the conferees are instructed to agree to language that offers a solution to the dial-a-porn problem. The conferees would include the gentleman from Virginia [Mr. BLILEY] who has been active in this issue for over 5 years, who is a parent, who is a devout member of his church and whose conservative credentials have never been questioned by any Member of this assembly on either side of the aisle.

This language requires that the dial-a-porn issue be resolved now and not be put over to some future time and place. The language provides the flexibility that is needed to resolve legal and constitutional issues. It is language that I hope the Members of this House will support.

Mr. Speaker, I move the previous question on my motion to instruct.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 200, nays 179, not voting 54, as follows:

[Roll No. 8]

YEAS—200

Ackerman	Collins	Hamilton
Akaka	Conte	Hatcher
Alexander	Conyers	Hawkins
Anderson	Coyne	Hayes (IL)
Andrews	Crockett	Hertel
Annunzio	de la Garza	Howard
Anthony	DeFazio	Hoyer
Aspin	Dellums	Jacobs
Atkins	Dicks	Jeffords
AuCoin	Dingell	Jones (NC)
Baker	Dixon	Jones (TN)
Bates	Donnelly	Jontz
Beilenson	Downey	Kanjorski
Berman	Durbin	Kaptur
Bliley	Dwyer	Kastenmeier
Boland	Early	Kennelly
Bonior	Eckart	Kildee
Bonker	Edwards (CA)	Kleczka
Borski	Evans	Kolter
Bosco	Fascell	Kostmayer
Boucher	Feighan	LaFalce
Boxer	Fish	Leach (IA)
Brennan	Flake	Lehman (CA)
Brooks	Florio	Lehman (FL)
Brown (CA)	Foglietta	Levin (MI)
Bruce	Foley	Levine (CA)
Bustamante	Frank	Lewis (GA)
Campbell	Gallo	Lipinski
Cardin	Garcia	Lowry (WA)
Carper	Gaydos	Luken, Thomas
Carr	Gejdenson	MacKay
Chandler	Gonzalez	Madigan
Clarke	Gordon	Manton
Clement	Gradison	Markey
Clinger	Grant	Martin (IL)
Coats	Green	Martinez
Coelho	Guarini	Matsui
Coleman (TX)	Hall (OH)	Mavroules
Mazzoli	Pelosi	Slattery
McCandless	Pepper	Slaughter (VA)
McCloskey	Perkins	Smith (FL)
McDade	Pickett	Solarz
McHugh	Pickle	St Germain
McMillen (MD)	Price (IL)	Staggers
Mfume	Rahall	Stokes
Miller (CA)	Ray	Studds
Mineta	Rhodes	Swift
Moakley	Richardson	Synar
Moody	Rinaldo	Torricelli
Morrison (CT)	Rodino	Towns
Morrison (WA)	Roe	Traficant
Mrazek	Rogers	Traxler
Murphy	Rostenkowski	Udall
Murtha	Roybal	Vento
Nagle	Sabo	Visclosky
Natcher	Savage	Walgren
Neal	Sawyer	Waxman
Nowak	Saxton	Weiss
Oakar	Schneider	Wheat
Oberstar	Schroeder	Whitten
Obey	Schumer	Williams
Olin	Sharp	Wilson
Ortiz	Shays	Wise
Owens (NY)	Shuster	Wolpe
Oxley	Sikorski	Wyden
Panetta	Sisisky	Yates
Pease	Skaggs	

NAYS—179

Armey	Hastert	Ravenel
Badham	Hayes (LA)	Regula
Ballenger	Hefley	Ridge
Barnard	Hefner	Ritter
Bartlett	Henry	Roberts
Bateman	Herger	Robinson
Bennett	Hiler	Rose
Bentley	Hochbrueckner	Roth
Bereuter	Holloway	Roukema
Bevill	Hopkins	Rowland (CT)
Bilbray	Houghton	Rowland (GA)
Broomfield	Hubbard	Russo
Brown (CO)	Huckaby	Schaefer
Bryant	Hughes	Schuette
Buechner	Hunter	Sensenbrenner
Bunning	Hutto	Shaw
Burton	Hyde	Skeen
Byron	Inhofe	Skelton
Callahan	Ireland	Slaughter (NY)
Chapman	Jenkins	Smith (NE)
Chappell	Johnson (SD)	Smith (NJ)
Cheney	Kasich	Smith (TX)
Coble	Konnyu	Smith, Denny (OR)
Coleman (MO)	Kyl	
Combest	Lagomarsino	Smith, Robert (NH)
Cooper	Lancaster	
Coughlin	Latta	Smith, Robert (OR)
Craig	Lewis (CA)	
Dannemeyer	Livingston	Snowe
Darden	Lloyd	Solomon
Davis (IL)	Lowery (CA)	Spence
Davis (MI)	Lujan	Spratt
DeLay	Lukens, Donald	Stallings
Derrick	Marlenee	Stangeland
DeWine	Martin (NY)	Stenholm
DioGuardi	McCollum	Stratton
Dorgan (ND)	McCurdy	Stump
Dornan (CA)	McEwen	Sundquist
Duncan	McGrath	Swindall
Dyson	McMillan (NC)	Tallon
Edwards (OK)	Meyers	Tauke
Emerson	Michel	Tauzin
English	Miller (OH)	Taylor
Erdreich	Miller (WA)	Thomas (CA)
Espy	Molinari	Thomas (GA)
Fawell	Montgomery	Torres
Flippo	Moorhead	Upton
Frenzel	Morella	Valentine
Gallegly	Myers	Vander Jagt
Gekas	Nelson	Volkmer
Gibbons	Nichols	Vucanovich
Gilman	Nielson	Walker
Gingrich	Owens (UT)	Watkins
Glickman	Packard	Weber
Goodling	Pashayan	Weldon
Grandy	Patterson	Whittaker
Gregg	Penny	Wolf
Gunderson	Petri	Wylie
Hall (TX)	Porter	Yatron
Hammerschmidt	Price (NC)	Young (FL)
Harris	Quillen	

NOT VOTING—54

Applegate	Archer	Barton
Biaggi	Frost	Lungren
Bilirakis	Gephardt	Mack
Boehlert	Gray (IL)	Mica
Boggs	Gray (PA)	Mollohan
Boulter	Hansen	Parris
Clay	Horton	Pursell
Courter	Johnson (CT)	Rangel
Crane	Kemp	Roemer
Daub	Kennedy	Saiki
Dickinson	Kolbe	Scheuer
Dowdy	Lantos	Schulze
Dreier	Leath (TX)	Shumway
Dymally	Leland	Smith (IA)
Fazio	Lent	Stark
Fields	Lewis (FL)	Sweeney
Ford (MI)	Lightfoot	Wortley
Ford (TN)	Lott	Young (AK)

□1530

Messrs. COMBEST, JOHNSON of South Dakota, ROBERT F. SMITH, BARNARD, ROSE, BEVILL, RITTER, PORTER, THOMAS of Georgia, TAUKE, HOCHBRUECKNER, HUGHES, DERRICK, STRATTON, GLICKMAN, and RIDGE changed their votes from "yea" to "nay."

Mr. CARR and Mr. TRAFICANT changed their votes from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PANETTA). The question is on the motion to instruct offered by the gentleman from Illinois [Mr. MADIGAN].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MADIGAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 51, as follows:

[Roll No. 9]

YEAS—382

Ackerman	Brooks	Darden
Akaka	Broomfield	Davis (IL)
Alexander	Brown (CA)	Davis (MI)
Anderson	Brown (CO)	de la Garza
Andrews	Bruce	DeFazio
Annunzio	Bryant	DeLay
Anthony	Buechner	Dellums
Applegate	Bunning	Derrick
Archer	Burton	DeWine
Armey	Bustamante	Dickinson
Aspin	Byron	Dicks
Atkins	Callahan	Dingell
AuCoin	Campbell	DioGuardi
Badham	Cardin	Dixon
Baker	Carper	Donnelly
Ballenger	Carr	Dorgan (ND)
Barnard	Chandler	Dornan (CA)
Bartlett	Chappell	Downey
Bateman	Cheney	Duncan
Bates	Clarke	Durbin
Beilenson	Clement	Dwyer
Bennett	Clinger	Dyson
Bentley	Coats	Early
Bereuter	Coelho	Eckart
Berman	Coleman (MO)	Edwards (CA)
Bevill	Coleman (TX)	Edwards (OK)
Bilbray	Collins	Emerson
Bliley	Combest	English
Boland	Conte	Erdreich
Bonior	Conyers	Espy
Bonker	Cooper	Evans
Borski	Coughlin	Fascell
Bosco	Coyne	Fawell
Boucher	Craig	Feighan
Boxer	Crockett	Fish
Brennan	Dannemeyer	Flake

Flippo	Luken, Thomas	Rowland (GA)
Florio	Lukens, Donald	Roybal
Foglietta	MacKay	Russo
Foley	Madigan	Sabo
Ford (MI)	Manton	Savage
Frank	Markey	Sawyer
Frenzel	Marlenee	Saxton
Gallegly	Martin (IL)	Schaefer
Gallo	Martin (NY)	Schneider
Garcia	Martinez	Schroeder
Gaydos	Matsui	Schuette
Gejdenson	Mavroules	Schumer
Gekas	Mazzoli	Sensenbrenner
Gibbons	McCandless	Sharp
Gilman	McCloskey	Shaw
Gingrich	McCollum	Shays
Glickman	McCurdy	Shuster
Gonzalez	McDade	Sikorski
Goodling	McEwen	Sisisky
Gordon	McGrath	Skaggs
Gradison	McHugh	Skeen
Grandy	McMillan (NC)	Skelton
Grant	McMillen (MD)	Slattery
Green	Meyers	Slaughter (NY)
Gregg	Mfume	Slaughter (VA)
Guarini	Michel	Smith (FL)
Gunderson	Miller (CA)	Smith (NE)
Hall (OH)	Miller (OH)	Smith (NJ)
Hall (TX)	Miller (WA)	Smith (TX)
Hamilton	Mineta	Smith, Denny (OR)
Hammerschmidt	Moakley	Smith, Robert (NH)
Harris	Molinari	Smith, Robert (OR)
Hastert	Mollohan	Snowe
Hatcher	Montgomery	Solarz
Hawkins	Moody	Solomon
Hayes (IL)	Moorhead	Spence
Hayes (LA)	Morella	Spratt
Hefley	Morrison (CT)	St Germain
Hefner	Morrison (WA)	Staggers
Henry	Mrazek	Stallings
Herger	Murphy	Stangeland
Hertel	Murtha	Stenholm
Hiler	Myers	Stokes
Hochbrueckner	Nagle	Stratton
Holloway	Natcher	Studds
Hopkins	Neal	Stump
Houghton	Nelson	Sundquist
Howard	Nichols	Swift
Hoyer	Nielson	Swindall
Hubbard	Nowak	Synar
Huckaby	Oakar	Tallon
Hughes	Oberstar	Tauke
Hunter	Obey	Tauzin
Hutto	Olin	Taylor
Hyde	Ortiz	Thomas (CA)
Inhofe	Owens (NY)	Thomas (GA)
Ireland	Owens (UT)	Torres
Jacobs	Oxley	Torricelli
Jeffords	Packard	Towns
Jenkins	Panetta	Traficant
Johnson (SD)	Pashayan	Traxler
Jones (NC)	Patterson	Udall
Jones (TN)	Pease	Upton
Jontz	Pelosi	Valentine
Kanjorski	Penny	Vander Jagt
Kaptur	Pepper	Vento
Kasich	Perkins	Visclosky
Kastenmeier	Petri	Volkmer
Kenneily	Pickett	Vucanovich
Kildee	Pickle	Walgren
Kleczka	Porter	Walker
Kolter	Price (IL)	Watkins
Konnyu	Price (NC)	Waxman
Kostmayer	Quillen	Weber
Kyl	Rahall	Weiss
LaFalce	Ravenel	Weldon
Lagomarsino	Ray	Wheat
Lancaster	Regula	Whittaker
Latta	Rhodes	Whitten
Leach (IA)	Richardson	Williams
Leath (TX)	Ridge	Wise
Lehman (CA)	Rinaldo	Wolf
Lehman (FL)	Ritter	Wolpe
Levin (MI)	Roberts	Wyden
Levine (CA)	Robinson	Wylie
Lewis (CA)	Rodino	Yates
Lewis (GA)	Roe	Yatron
Lipinski	Rogers	Young (FL)
Livingston	Rose	
Lloyd	Rostenkowski	
Lowery (CA)	Roth	
Lowry (WA)	Roukema	
Lujan	Rowland (CT)	

NOT VOTING—51

Barton	Ford (TN)	Lungren
Biaggi	Frost	Mack
Bilirakis	Gephardt	Mica
Boehlert	Gray (IL)	Parris
Boggs	Gray (PA)	Pursell
Boulter	Hansen	Rangel
Chapman	Horton	Roemer
Clay	Johnson (CT)	Saiki
Coble	Kemp	Scheuer
Courter	Kennedy	Schulze
Crane	Kolbe	Shumway
Daub	Lantos	Smith (IA)
Dowdy	Leland	Stark
Dreier	Lent	Sweeney
Dymally	Lewis (FL)	Wilson
Fazio	Lightfoot	Wortley
Fields	Lott	Young (AK)

□ 1545

Ms. PELOSI changed her vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3378

Mr. THOMAS of Georgia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from the bill (H.R. 3378) to require National Park Service to reintroduce wolves into Yellowstone National Park.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

CLAIMS AGAINST THE UNITED STATES FOR NEGLIGENT MEDICAL CARE PROVIDED MEMBERS OF THE ARMED FORCES

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 375 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 375

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1054) to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill as an original bill for the purpose of amendment under the five-minute rule and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments, as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA], for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 375 is an open rule providing for the consideration of H.R. 1054, the bill to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule also makes in order the Judiciary Committee amendment in the nature of a substitute now printed in the bill as the original text for the purpose of amendment under the 5-minute rule. Each section of the substitute shall be considered as having been read.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 1054 would amend the Federal Tort Claims Act to allow active duty military personnel to sue for damages that arise from medical malpractice. It is a narrowly drawn measure which does not permit medical malpractice suits resulting from medical treatment furnished overseas or during combat situations.

Although active-duty military personnel represent only about one-third of those served at military medical facilities, they currently are the only category of patients at such facilities who cannot sue for medical malpractice. In fact, even Federal prisoners can sue for medical malpractice in Government-operated facilities. This legislation would correct these inequities under present law.

Mr. Speaker, I am not aware of any objections to this open rule. I would urge my colleagues to adopt this rule so that we can move on to the consideration of this legislation.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in recent months I do not know of anyone who has not spoken out against the deficit, how we

have to control it, et cetera, et cetera, et cetera, but now we come with a bill today that opens up a whole new category of claims on the Federal Treasury. It will allow active duty military personnel to sue the United States for damages for personal injury or death resulting from negligent medical or dental care provided in fixed medical facilities operated by the Department of Defense or the United States.

While the estimated cost of this bill is $25 million per year, the truth of that it is very difficult to predict the cost of medical malpractice awards. It would not surprise me if the actual cost of this legislation turned out to be a major budget figure.

Mr. Speaker, it should be noted that the administration opposes this bill and does so very strongly. According to a policy statement provided in the Rules Committee, the President's senior advisers would recommend that he veto the bill if presented to him in its present form as it is before us today.

The administration finds this bill objectionable because it would legislatively limit the Supreme Court's longstanding Feres doctrine, which holds that "the Government is not liable under the Federal Tort Claims Act for injuries to servicemen where the injuries arise out of or are in the course of activity incident to service." There already exists a separate, uniform, comprehensive, and no-fault compensation process for military personnel.

The administration also objects to this bill because it would involve the courts in the review of military command decisions, thereby weakening military discipline and disrupting the unique relationship between servicemen and the military.

□ 1600

Another problem is that the bill will result in an inequity by permitting service-incident claims to be determined by nonuniform local laws. The administration suggests that if Congress concludes that additional compensation should be available to service personnel injured by military medical malpractice then the administration would not object to the establishment of an administrative medical malpractice compensation program under the operation of the Military Claims Act.

This alternative would ensure an unbiased review of these claims without requiring the judicial branch to second guess military decisions.

For all these reasons, Mr. Speaker, the bill made in order under this rule should not and undoubtedly will not be enacted into law.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, this is an acceptable bill from my point of view in one respect—it allows members of the Armed Forces the right to recover in court damages incurred by malpractice.

There is nothing wrong with this, of course, except that it does not really address other aspects of the malpractice crisis gripping this country, and does not go far enough to limit the Federal Government's potential monetary exposure.

The bill does attempt to limit so-called noneconomic damages by defining the word personal injury to preclude mental or emotional disability that is not a direct result of the injury.

The problem with this—and the lawyers here in this body all know it—is that it is not very tough to convince a judge that an emotional damage of one kind or another—so-called pain and suffering or noneconomic damages—is a direct result of some physical injury.

So my concern, then, is that the bill really doesn't preclude the danger of the Federal treasury being tapped for large pain and suffering awards as a result of military medical malpractice.

Is this a genuine concern? I think that it is.

In 1985, I commissioned a comprehensive GAO study of closed malpractice claims for the year 1984. That study revealed a number of important things.

One thing the study turned up is something which I call a "money spike."

Of all claims, only about 40 percent result in a payment of any kind.

But of those claims that pay, 60 percent of the total money paid out goes to only 9 percent of the claimaints—and all of that is in amounts exceeding $250,000.

In other words, about 4 or 5 claims out of 100 pay big money; the rest either don't pay much or don't pay at all.

Turning to the analysis of payments solely for noneconomic damages—for pain and suffering—we see the same money spike dynamic.

In this case, 60 percent of the money paid out for pain and suffering went to only 2 percent of all claimants—all in amounts exceeding $200,000.

The point of my bringing this up is to alert the Members to the reality that we risk opening the door through this legislation to huge payouts by the government for pain and suffering.

Let's remember, too, that the judge will be deciding the case and fixing awards with the knowledge that Uncle Sam's deep pockets will be footing the bill.

My fear then, quite simply, is that the payouts will be large, the money spike, if you will, will be huge. When a sympathetic judge discovers it will be the Federal Government paying—the sky will be the only limit. The Federal Government will finance numerous multimillion dollar settlements and the costs of this bill will far exceed the $25 million that CBO has ball-parked it at. It will be an unimpeded tap into the Federal Treasury for plaintiff's attorneys, and if we thought some judgments were large when the insurance company's were paying them, wait until we see those against Uncle Sam.

I considered offering an amendment to this bill to cap noneconomic payouts at $300,000. I understand my able colleague from Illinois [Mr. DAVIS] will offer such an amendment, and I certainly will support it.

Malpractice is a complex issue. As I said at the outset, I have no problem with allowing active duty members to sue, but that is only part of the solution. Preventing occurrences is also vital.

We need comprehensive risk management in our military—computerized tracking of outcomes, extensive peer review, rigorous credentialling. We probably need better compensation for these doctors. And we need patient education on risks and exposures.

And again, we the government, the taxpayers in this case, we the payors of judgments—ought to protect ourselves against large Federal expenses by imposing some kind of limits on pain and suffering damages beyond those contemplated in this legislation.

Mr. LATTA. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Speaker, I am going to vote against the rule because I am against the bill. I think it is a bad bill. I think that the gentleman from Illinois [Mr. PORTER] has pointed out most of the things in the way of inequities and fallacies involved in the bill. What we are doing is great for trial lawyers, and it is great for the ACLU, and it is great for people who want to sue the Government, as if we did not have enough of that already.

We have a good system now, we have a system of compensation for those who have been injured who have not been adequately taken care of, but there is no reason to impose this additional burden on the military at a time when the Department of Defense and the defense dollar is under attack. This would open sort of a Pandora's box so that everybody who wants to sue the Government can file suit. We have already seen how litigation has mushroomed in the civilian sector. We have seen doctor after doctor go out of business. We have seen obstetricians quit their practice because of malpractice suits.

Mr. Speaker, at least those physicians in the military had some protection. As a matter of fact it helped in recruitment of physicians for the military because they did not have to

spend $75,000 up to $200,000 a year for premiums for liability insurance. Now they want to take away that indemnity, this protection for our military doctors.

As the gentleman from Illinois [Mr. PORTER] has pointed out, this is just saying OK everybody, anybody that has a claim real or imagined has a free chance, Uncle Sam has the deep pocket here and it is going to hurt military medicine, it is going to hurt the Department of Defense, and I just think it is a bad bill.

Mr. Speaker, for that reason I would vote against the rule and vote against the bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, there are several misstatements of fact that I want to address.

First, there are no jury trials involved here. This is under the Federal Tort Claims Act and there will be no jury trials. There has been a suggestion that there would be a problem with jury trials, and that simply is not the case.

Mr. Speaker, there are a lot of controversial aspects to the tort system. The Federal Tort Claims Act, which is what is at issue here, does not have many of those that are most controversial so it was wrong for my colleagues to state that there would be jury trials.

Mr. Speaker, it is incorrect to suggest, as a previous speaker did, that this would come out of the Department of Defense budget.

Relatively small amounts come out of the Department of Defense budget, but under the Federal Tort Claims Act larger judgments have $2,500 come out of the claims fund that is through the Department of Justice. So this would not be true.

The total that the Congressional Budget Office estimated of $25 million virtually none of that would come out of the Department of Justice.

It is also a mistake to suggest as the previous speaker just suggested, that we would be taking away the indemnity for the doctors in the military. We simply do not do that. This does not change the indemnity as to doctors in the military. It allows a member of the military to sue the Federal Government without a jury trial, without a possibility of punitive damages, but only for physical injury and resultant problems of a physical injury, and the funds if there is a settlement above $2,500 would not come out of the Department of Defense budget.

Mr. Speaker, I just want to point out to the Members who are reacting to this in terms of their general view on tort law should understand that this is a much more limited right than one generally has in tort law.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. FRANK. Mr. Speaker, I would be glad to yield to the gentleman from Missouri, a distinguished lawyer and member of the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding me this time. I would like to point out that I do support this measure. This sort of law should have been passed some time ago. It is one that is limited in scope, it is one that will give the opportunity for adequate compensation in the correct tribunal and I am sure that there are those that have a proper tort claim whether it be personal injury or otherwise who will be compensated under this, whereas otherwise they would not be so compensated.

I think it is absolutely the right thing to do. I commend the gentleman from Massachusetts [Mr. FRANK], he is on the right path. I compliment not only him but I compliment the Committee on the Judiciary on putting this out, and I wholeheartedly endorse this proposal.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. FRANK. Mr. Speaker, I am happy to yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. FRANK] for yielding me this time. The gentleman from Massachusetts is the author of this legislation and is the expert. Let me say that some years ago I authored a bill in order to place the service physicians, service doctors on the same footing as the HEW doctors, Veterans' Administration hospital doctors, whereby in a suit for malpractice they would have on a personal basis where the suit was directed to them individually, and where they would be individually responsible, and with them having very limited means of legal advice, we approved the legislation that would put them on the same footing with HEW doctors. To the surprise of the Committee on Armed Services' chairman, he did not realize that that did not exist.

We finally had it signed into law and it provided that resource to the service doctors and medics.

Does this bill in any way affect that?

Mr. FRANK. Mr. Speaker, I thank the gentleman from Texas [Mr. GONZALEZ] for asking this question. The answer is that it does not. It leaves the individual doctors exactly as they were. There is no need for malpractice insurance, there is no need for them to be indemnified. They are not individually sued.

The Federal Government is sued. The doctors are not individually liable.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. PANETTA). Pursuant to House Resolution 375 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1054.

□ 1613

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1054) to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care, with Mr. HALL of Ohio in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Massachusetts [Mr. FRANK] will be recognized for 30 minutes, and the gentleman from Florida [Mr. SHAW] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a fairly straightforward and limited issue. This is a bill which previously passed the House in the previous Congress by a vote of 317 to 90. It has been opposed by the Department of Justice particularly and I think incorrectly so. I think that in a recent Supreme Court case involving the extension of this doctrine, while the five-member majority said not that they thought it was a good idea, but that they simply declined to alter it and left it to Congress to do that because it was a doctrine of long standing.

Judge Scalia speaking for the minority very vigorously said he thought it was a bad decision in the first place and ought to be modified to this extent.

□ 1615

The Federal Tort Claims Act gives people a very limited right of suit against the Federal Government compared to the general right that a person has under tort law. There is no jury trial. There is no provision for punitive damages. Those are two of the elements which taken together have led to some controversy about general tort law.

We have a system compensating members of the armed services for

some injuries, but some very important issues are left. We had uncontroverted testimony of a young woman in the armed services, who as a result of blatant malpractice, and I am not arguing here there is any different level of medical malpractice in the armed services than anywhere else, that is not the argument. The argument would have to come from others who apparently argue that there never is malpractice in the armed services because while you can be compensated for lost wages and inability to earn at a certain level, but if you lose the right to bear children, as this young woman did because of medical malpractice, there is under current law no way in the world for her to be compensated for that. There is no way to be compensated for the enormous pain and no real way I believe to be compensated for loss of earning capacity over a period of years.

It has been suggested there are alternative ways to do that and that we can change the compensation system. Let me say, Mr. Chairman, after the House passed this bill there was never any interest on the part of either administration of either party to change it. When the House passed the bill 2 years ago and began to be serious about it, people in the Defense Department said what about amending the compensation system so that we can deal with that. We said we would be glad to look at that if they had something. I believe they were overruled by the Justice Department. Their position was leave it alone. If a pregnant woman loses her ability to have children, do not compensate her for that. That is not a partisan issue because that is the previous Justice Department as well.

What we are saying is if young people who serve in the armed services of this country meet the burden of showing that a medical doctor mistreated them in a blatant way and caused damages that they should be able to be compensated for those damages, not with a jury and not with anything punitive. That seems to us to be a fairly limited right.

The ranking minority member of the subcommittee, the gentleman from Florida, [Mr. SHAW] and myself, think that the entire tort system ought to be looked at. We have a hearing scheduled to look at the Federal Tort Claims Act, to look at whether there ought to be some changes in the way in which we deal with that. But we do not think it is fair to say we will have one right for every citizen of the United States except members of the armed services who are on active duty, that anybody else, prison inmates, private citizens, Federal employees, retirees, they can use the following procedures, but no procedure at all will be available to those who serve in the armed services. That is our point.

We are prepared, as I said, to look at whether we ought to change it for everybody. But we do not think we ought to single out members of the armed services.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I am glad to yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Chairman, I want to ask the gentleman from Massachusetts if he would respond to a question. As I understand it, under present law the dependents of military personnel who are treated in a medical facility, operated by the Government, have a right of action.

Mr. FRANK. This is correct.

Mr. HUGHES. So that the dependents of a soldier whose family has been subject to malpractice can sue on behalf of that dependent, but if it is the soldier himself or herself who is the victim of an act of malpractice, there is no remedy?

Mr. FRANK. The gentleman is exactly right.

Mr. HUGHES. I also understand, if the gentleman will respond, that about two-thirds of patients who are treated at many of the military hospitals around the country are basically not soldiers or sailors or members of the military?

Mr. FRANK. They are dependents and retirees, the gentleman is correct.

Mr. HUGHES. So we are talking about about one-third of the persons or patients treated at these military facilities, and we are only denying the right to sue for malpractice to the military personnel?

Mr. FRANK. The gentleman is absolutely correct.

I regard this, as many others do, as a very promilitary measure. I should say that the members of the armed services regard it as that.

The argument against it, I should point out, is that it would undermine military discipline. This is the only argument we get from the Defense Department.

By the way, because we are dealing with the Federal Tort Claims Act, this does not apply outside the United States. It does not apply because we say a fixed medical facility, to medical treatment you get on a ship. It only applies in noncombat situations, in a hospital in the United States.

The question was raised that if a young woman loses her ability to bear children and 5 months later she sues the captain who performed the operation that that will undermine military discipline. To the extent that it might have shaken her faith a little bit, I think the fact that she has lost her ability to bear children probably had more of an impact on her than her ability to sue the doctor. I think it is a specious agrument.

Mr. HUGHES. If the gentleman will yield further, I want to congratulate the gentleman from Massachusetts and the gentleman from Florida [Mr. SHAW] the ranking Republican for their excellent bill. It is very narrowly drawn to deal with a basic inequity that makes no sense. In fact, when we look at that 1950 decision, I believe it was United States versus Feres, one has to wonder on what basis first of all that exception was carved out, because certainly it was not found in the statute. Would the gentleman from Massachusetts agree?

Mr. FRANK. The gentleman is correct, as Justice Scalia pointed out, and we are now by statute trying to restore the bill to its original meaning.

Mr. HUGHES. I want to congratulate the subcommittee for an excellent job. We are talking about a very basic inequity, and I would urge my colleagues to support the bill.

Mr. FRANK. I thank the gentleman.

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1054. As the ranking member on the Subcommittee on Administrative Law and Governmental Relations which has jurisdiction over this legislation, I had a firsthand opportunity to observe the witnesses for and against this legislation. I am aware of the administration's opposition to the passage of this bill and particularly the concerns of the Department of Justice and the Department of Defense.

Mr. Chairman, as you know, the U.S. Government is immune from legal redress unless it consents to be sued; that theory is known as the theory of sovereign immunity. As you also know, in the mid-1940's, the U.S. Government decided to create an exception to the sovereign immunity theory regarding suits against the U.S. Government and enacted the Federal Tort Claims Act. Simply put, the Federal Tort Claims Act made the U.S. Government amenable to suit in the same manner and to the same extent as a private individual under like circumstances. In 1950, however, the U.S. Supreme Court in the case of Feres against United States, determined that although the Federal Tort Claims Act provided for a right of action by private U.S. citizens against the U.S. Government, that our military men and women did not fall into that category of private U.S. citizens. Consequently, the Court in that case excluded military personnel from the right to sue the U.S. Government for negligence. The theory surrounding that case has become known as the Feres Doctrine.

The result of the Feres Doctrine has been to leave our military men and women with no recourse against our Federal Government should they be the victim of negligent medical care by a military medical facility. H.R. 1054 would overturn the Feres case and

change the application of the Federal Tort Claims Act to provide that our military men and women have some recourse against our Government should they become the victim of negligent medical care.

The approach of this legislation is simple. H.R. 1054 adds a new section to the Federal Tort Claims Act creating a right for active duty military personnel to sue the United States for personal injury or death due to negligent medical or dental care provided in a fixed medical facility operated by the United States. It is important to note, Mr. Chairman, that two important exceptions already found in the Federal Tort Claims Act will also apply to this new section; namely, that no cause of action is provided against the United States for a claim arising out of combatant activities during a time of war and no cause of action will lie for any claim arising in any foreign country. Due to these restrictions, the new exception created by this legislation will have limited application.

I understand the concerns of the Department of Justice and the Department of Defense. I too am concerned about the medical malpractice liability crisis facing our country today; however, I do not believe that this legislation will have an adverse effect on the medical malpractice liability circumstance that we find our private sector medical community in today. It is important from that perspective to emphasize that under the Federal Tort Claims Act there is no right to a jury trial and punitive damages are not allowed. I further believe that medical services rendered by our military are unique enough in character not to be used as a springboard for future legislation creating further causes of action in negligence against the authority of our armed services.

In short, Mr. Chairman, while I have some reservations about this legislation, in my opinion they are greatly outweighed by the unfair circumstances created for our military men and women when they are left with no recourse against what is sometimes crippling negligent medical care. If there exists a group of people who should be excluded from recourse for negligent medical care, it should not be our men and women who serve in our military forces.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Chairman, as chairman of the Veterans Subcommittee on Oversight and Investigation, I spend a lot of my time looking out for the interests of former members of our armed services who have not been able to enjoy the medical attention and benefits which they so deserve.

It is just as important, however, to ensure that active duty members of the armed services are provided the adequate and responsible medical service to which they are entitled. By providing the young people who risk their lives on our behalf the same limited right to sue for malpractice that every other resident of the United States enjoys, the military malpractice bill being debated on the floor today goes a long way toward providing members of our Nation's armed service community the adequate, professional attention they truly deserve.

Just as I have been battling to give our Nation's veterans the basic right to due process and judicial review when seeking much-deserved benefits from the Federal Government—rights already afforded to Social Security recipients, illegal aliens, and even convicts, I completely embrace today's efforts to allow active members of our Armed Forces the right to sue for damages arising from medical or dental malpractice. Simply put, there is no sense in denying these people a right which every other person in the United States possesses.

Like most all of us in Congress, I am keenly aware of the need to maintain a strong and capable national defense. Although I am encouraged by the level of morale which exists in our armed services, we in Congress can make it even higher by simply acknowledging the deficiencies in our country's current medical malpractice policy for active duty personnel. We in Congress need to look out for our country's loyal and dedicated military; by supporting H.R. 1054, we can do exactly that.

Mr. Chairman, I sincerely urge my fellow Members of the House to vote in favor of H.R. 1054.

Mr. SHAW. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I thank the gentleman from Florida for yielding me this time.

Mr. Chairman, I would ask the gentleman from Massachusetts to answer a question or two.

Mr. Chairman, I have read over this bill and there are several parts of it that I am a little bit confused about. Let me give the gentleman a hypothetical situation. Let us assume at a local Air Force base here there happens to be some traffic on the base and there is an accident, two vehicles collide and some people are injured in the accident. A doctor responds from the clinic at the Air Force base to the scene of the accident, the emergency scene of the accident, misdiagnoses the condition of the patient causing that patient harm or death. Let us assume in the worst case the patient dies on the scene as a result of the medical negligence or malpractice.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I can answer the gentleman's hypothetical. That doctor is in the clear and no claim would arise from that hypothetical.

On page 4 of the bill, lines 14 through 20 it states: "The personal injury or death referred to * * * must have arisen out of medical or dental care furnished the member of the Armed Forces in a fixed medical facility operated by the Secretary of a military department."

The reason for that is that we recognize in the nature of that case there will be emergency medicine administered much more frequently because there are people who are scrambling, who are doing these kinds of things. No one is suing Hawkeye. There will be no suits because of things that happened in the field. It has to be in a fixed medical unit. As I pointed out, if someone is injured on a ship and is tended to by the doctor on ship, and that would have been malpractice, no claim would arise. It has to be in a hospital.

Mr. DURBIN. I think there is an inconsistency, and I understand the gentleman is trying to draw a reasonable line here. If that person is brought in from the scene of the accident on the base, inside the door of the emergency room of the clinic or hospital, and then the malpractice occurred, clearly there would be a claim. If it happens outside the door of the hospital there is no claim, and I do not think that is very consistent.

□ 1630

And I do not think that is very consistent. Let me ask the gentleman another question. Let us assume that someone is injured or damaged and the root cause of it appears to be the wrong prescription, the wrong drug was given to the individual. Let us assume then that that individual or his survivor, family, would sue the drug company. Let us assume that the drug was administered and given in a fixed medical facility and the like. Would the drug company, the defendant in the lawsuit, have the right under this law for a third-party action against the Federal Government, arguing perhaps that the doctor incorrectly diagnosed or incorrectly administered the drugs that were in question.

Mr. FRANK. If the gentleman would permit me to answer the question with regard to the inconsistency, I agree. I have never brought a piece of legislation to this floor that did not leave an inconsistency somewhere, someplace. This "ain't" a consistent

world and I have not the ability to make it consistent.

The biggest inconsistency it seems to me right now is the inconsistency of being a member of active duty armed services who cannot sue and everybody else in America who can. Now we will be diminishing the inconsistency but not removing it. So I plead guilty to diminished inconsistency.

Second with regard to this, we have had situations where this particular doctrine has in fact operated as not a sword, but a shield in Feres cases where members of the armed services have sued either while in the armed services or subsequently and they have sued private contractors who have invoked the Feres doctrine and have mooted lawsuits which may have had a good argument.

So what we have had is the reverse situation where private contractors have been able to hide behind the Feres doctrine and the courts have permitted it and dismissed law suits.

In the other situation, I believe, though I am not an expert on how the Federal tort claims act works, the injured individual would have a right to sue the Government if he or she was the victim of a misprescription by the doctor in a fixed medical facility, and the company. Whether or not the company would have a right, the gentleman is asking me about a point of contract law that I am not familiar with; I do not believe that in and of itself this changes that. But it would specifically change the situation where third parties who have been guilty of negligence in the medical area, vis-a-vis members of the armed services, have been able to avoid being held liable from making any compensation because of the Feres doctrine.

Mr. DURBIN. I think it is an important point and I want it clear in my own mind.

Is the gentleman suggesting then that this new bill would not create third-party actions against the Federal Government by any person other than the person who might have a right in the first instance to sue the Government?

Mr. FRANK. I would say this, it was not our intention, I would tell this to the gentleman, this bill has not gone to the Senate; I would give the gentleman the undertaking that if the Senate should happen to take the bill up—which with the Senate is never anything that one can count on and this is not a criticism but just a factual statement——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FRANK. Mr. Chairman, I yield myself 5 minutes in order to continue a colloquy with the gentleman from Illinois.

Mr. Chairman, it is not our intention to do that. It is our intention, as I said for this not to be a shield. We are not intending it to be a sword. I would give the gentleman the undertaking that if the Senate took the bill up we would agree with the Senate that it should be dealt with, as he suggests, and we would certainly agree to that in conference.

Mr. DURBIN. Mr. Chairman, I have two additional questions of the gentleman from Massachusetts if the gentleman would allow me.

Mr. FRANK. I yield to the gentleman from Illinois.

Mr. DURBIN. I thank the gentleman for yielding.

Mr. Chairman, the term "personal injury" according to the definition says "does not include mental or emotional disability unless it is the direct result of a physical injury." I would like to ask the gentleman to clarify the term "direct result."

Under tort law in my home State and in most jurisdictions, the question brought to the jury is whether or not the action was a proximate cause of the injury, not the proximate cause, but a proximate cause.

Can the gentleman from Massachusetts explain to me whether the words "direct result" change that definition?

Mr. FRANK. No. The reason we put them in, they were put in as I remember at the insistance of the former ranking minority member, the gentleman from Ohio, [Mr. KINDNESS]. We wanted to make it explicit that you could not sue because you have been denied a promotion and were suffering psychiatric distress or if you were denied hardship leave to attend a funeral of a relative or that you had been denied a transfer.

So we are not seeking to change the law with regard to physical injury as it exists for everybody under the Tort Claims Act. We wanted it clear that as part of our limiting of this right that as a member of the armed services, there would have to have been a physical injury that is the cause and in that sense however it is denied under the act. The gentleman knows under the Federal Tort Claims Act you use substantive State law. That is one of the things we are going to look at.

But this was meant to exclude any possibility—and I am glad the gentleman is giving us a chance to put this in the RECORD—of a claim coming out of a denied promotion. We do not want the discretionary decision of a superior officer as to the appropriate disposition of resources in any way to give rise to any kind of a claim of psychiatric distress.

Mr. DURBIN. Could the gentleman tell me where the CBO estimate of $25 million was derived from?

Mr. FRANK. Yes. The gentleman from New Jersey indicated before the basis for that. We now get $50 million, basically, out of the judgment fund for malpractice. The people who can now sue for malpractice constitute two-thirds of those upon whom there is medical malpractice and they just did a straight-line extrapolation. Those who would be covered under this bill are one-third of the total patient load so they just took and expanded it by one-half from $50 to $75 million.

Mr. DURBIN. If I may make one last observation. I do not quarrel with the gentleman's premise that members of the Armed Forces should not be denied their basic rights to recover for acts of negligence. And I supported this bill when it was introduced I believe last year. I would just say I think there is some inconsistency again that we should address. That is the fact that in the worst case scenario, some doctor or dentist at a medical fixed facility should perform an act of malpractice because, let us say, that person was under the influence of alcohol or drugs and that caused harm to an individual, that individual would have a right to file a claim under this statute we are now considering.

However, the same circumstance, if it applies and an individual under the influence of drugs or alcohol got on a bus and got involved in an accident because of his negligence causing the same or greater harm to the individuals on the bus, they would have no cause of action to recover. The injury, the death resulting is the same. The right to recover is being limited only to areas of medical malpractice. I think it is probably a mistake for us not to do this in a comprehensive fashion. I know the gentleman is trying to apply this effort to a very specific area and is perhaps opening up a larger dialog on the question. But it troubles me that we are being very specific.

Mr. FRANK. I would respond to the gentleman in this way: We wanted very much not to impinge on command decisions. We wanted very much not to impinge. The fact that you are in the Armed Forces you are volunteering today to give other individuals a degree of command over your life that nobody else does. Once you get out of that fixed medical facility where you have voluntarily gone in and there is a doctor there, et cetera, you get into very difficult questions of command discretion.

When the general said that you should take him into the process, whatever, yes; I think we have an inconsistency there. I think we have diminished the inconsistency, not abolished it. But the problem is you go beyond that and we will have to look at this further; we are being very careful in this bill not to trench in any way on the essential element of discretion that is a necessary part of the military command.

Mr. DURBIN. I thank the gentleman for the colloquy and I thank the gentleman from Florida for yielding.

Mr. FRANK. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. I thank the gentleman for yielding.

I would like to touch for a moment on what the gentleman from Illinois raised. I was chairman of the subcommittee when we heard this issue in hearings. We heard witness after witness come down and testify about negligent medical care practiced upon active members of the armed services at a variety of armed services health care facilities.

The story about the man who was improperly diagnosed for a sinus condition, ended up with a massive plate in his head and is virtually immobile; the many stories about women who are treated at naval facilities who are rendered impotent, unable to have children; improperly compensated under current compensation conditions; a variety of these kinds of stories occur.

So we came to the conclusion that if a spouse and a child of an active duty military person can go into a hospital and, under these circumstances, sue for malpractice, why should not the active duty person himself or herself not be eligible for that same thing?

If I were active duty military and my wife goes into Bethesda Naval Hospital and a doctor performs an operation on her and does it negligently, she can sue the United States of America. But if I go in and have a similar surgery performed negligently as an active duty member I cannot. That seems to be unfair.

That is the kind of situation which we are trying to take care of in this circumstance.

I believe a general proposition health care in the military is good. But over the last 5 years we have found serious deficiencies and in many areas it needs to be improved.

The purpose of this bill serves not only to compensate active duty military for health care negligence but also to provide an incentive on the part of the Pentagon to insure that their health care is the best in the country.

Now let us talk about the difference between health care and driving a bus. If you are in the military and you go in for a health care service it is a right allowed to you as any individual in our society going in and having that health care done. That is not a military function.

If you need a D&C if you are a woman and if you need an appendectomy, if you need a cardiac bypass operation, you need that operation irrespective of whether you are in the military or not. All we are saying is that that person should have the same rights as any other individual or his or her spouse or daughter.

Mr. FRANK referred to something which is very important too. This is an all-volunteer military now. A military job is much more equivalent to a civilian job than it has ever been before in the history of this country.

So you are attracting people in great numbers, paying them in some cases competitive salaries to what they would get in the private sector. By not allowing that particular individual the same rights in medical malpractice that he would have if he were in the civilian sector I think would be a disincentive for him to go into the military in the first place.

But above everything else this is a matter of fundamental fairness. Our hearings showed case after case after case where there was a negligent and improper administration of health care. Now that may not be routine in the military but where it exists should provide compensation. In the case of the military if you are active duty the compensation is inadequate. If you are a child or a spouse of an active duty military person, of course, your compensation is appropriate pursuant to the law and pursuant to being able to sue under the Federal Tort Claims Act.

So for those of you who believe that our military personnel should have the same rights in terms of medical malpractice as their civilian counterparts, I urge you to vote for this bill.

Mr. SHAW. Mr. Chairman, I yield 5 minutes to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. I thank the gentleman for yielding time to me.

Mr. Chairman, as chairman of the Subcommittee on Military Personnel and Compensation, I rise in opposition to H.R. 1054. I fully share the desire of the gentleman from Massachusetts [Mr. FRANK] to ensure that our young men and women in uniform receive only the highest quality medical care, but I do not believe that his bill will make a significant contribution toward achieving that goal.

Let me say at the outset that the issue before us is not whether victims of military medical malpractice should be compensated. Rather, the question before us today is whether the existing system to compensate anyone injured on active duty is adequate and fair for the victims of medical malpractice and what alternatives to the current system exist.

Currently, under the Federal Tort Claims Act, dependents of active duty personnel, retirees, their dependents and survivors may sue the Government for malpractice at military medical facilities in the United States. If the alleged malpractice occurred in a military hospital overseas, the Military Claims Act provides an administrative process for malpractice settlements. Active duty personnel, however, are barred from suing the Government by a 1950 Supreme Court decision, Feres versus United States. Instead, active duty victims of medical malpractice, like other service members injured or disabled in the line of duty, receive either military disability retired pay or disability compensation from the Veterans' Administration.

Critics believe that these levels of compensation are inadequate, particularly in view of the large medical malpractice awards made by many civilian courts, and have urged that active duty personnel be accorded a similar right to sue the Government in the case of medical malpractice. H.R. 1054 would authorize such suits.

If I thought that the passage of H.R. 1054 would guarantee that no active duty service member would ever again suffer medical malpractice, I would vote for it. I am afraid that is not the case, however. There appears to be little correlation between large malpractice settlements in the civilian sector and improvements in the quality of care provided. As we are all too well aware, however, the malpractice crisis is one of the major dilemmas facing American medicine today with the cost of malpractice insurance continuing to skyrocket. The primary beneficiaries of the civilian malpractice crisis appear to be the trial lawyers who garner large contingency fees. I believe we should expect the same result from H.R. 1054.

In mid-July, the Subcommittee on Military Personnel and Compensation held a hearing to explore a possible alternative mechanism to compensate active duty personnel who are victims of medical malpractice by utilizing the administrative settlement procedures of the Military Claims Act currently applicable to military medical facilities overseas. That is by no means a perfect solution; it creates a distinction between active duty personnel who are victims of negligence on the operating table and those who are injured as a result of some other type of negligence. That distinction, however, reflects the unique position which our society today assigns to cases of medical malpractice. I know that the gentleman from Massachusetts considered the Military Claims Act alternative but opted to keep H.R. 1054 in its original form. I believe the Military Claims Act mechanism is preferable and, for that reason, intend to vote against the bill.

In conclusion, let me say that, during my years in Congress, I have visited a number of military hospitals and have talked with many physicians and patients. I firmly believe that the vast majority of military medical providers are capable and hard working. They deserve our deep appreciation for a job well done under often difficult and trying conditions. That doesn't mean that there have not been

problems nor does it mean that the Congress does not have a responsibility—indeed, an obligation—to ensure that only the best quality care is provided. Following press reports of incidents of substandard care in some military hospitals, both the Department of Defense and the individual services in the past few years have established a number of procedures to more adequately track quality of care through identification of providers, facilities, and incidents of care that fail to measure up to accepted norms. Clearly, this will not be an easy or a simple task to accomplish. The subcommittee, therefore, asked the General Accounting Office to undertake an ongoing audit of the development and implementation of these quality assurance initiatives. This is not the sort of work that generates headlines. It is, however, the type of long-term oversight that is essential to maintaining the forward momentum in the area of quality assurance that has gotten underway in the past few years, and I want to assure my colleagues that it is an effort that has only just begun.

□ 1645

Mr. GLICKMAN. Mr. Chairman, will the gentlewoman yield?

The CHAIRMAN. The time of the gentlewoman from Maryland [Mrs. BYRON] has expired.

Mr. FRANK. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I appreciate the statement of my colleague, the gentlewoman from Maryland, but let me give her a couple of examples of what we heard at hearings that tell us why the current compensation system is not adequate.

There was the case of a woman who was improperly diagnosed in connection with a gynecological condition. I believe this occurred at the Portsmouth Naval Hospital. That woman was young, and because of that improper diagnosis and an infection that had set in, she was rendered sterile and could have no children. She was allowed a 10-percent disability, less than $100 a month, to compensate her for inability to have any children whatsoever. There is an example where that kind of disability payment cannot possibly repay that woman for her inability during her entire life to have any children at all.

Here is my second example. If you are career military, as I understand it—and I am not as schooled as the gentlewoman from Maryland is on these points—if you are career military and let us say you are the victim of medical malpractice and you are near the end of your 20 years of active duty service, and if at the end of that 20th year you are misdiagnosed in a military hospital and negligence results in damages for you, you can retire and collect your retirement, but you cannot collect your disability from that malpractice at the same time; you have to waive that disability.

There are two examples of how the current system prejudices people in the military who have encountered malpractice situations. I am not saying there are not any ways to improve the disability system, but I am saying that in the case of that young woman who was rendered impotent and unable to have children and who was given a 10-percent disability, or in the case of that man at the end of 20 years who has to choose either his retirement or his disability because of malpractice, we have a bad problem here.

Mrs. BYRON. Mr. Chairman, if the gentleman will yield, let me say, first of all, that we have heard over the last year and a half about many of the cases the gentleman has just cited. I think, when we look at the Veterans' Administration, it seems to me that there could be some amendments offered that can clear up some of the language in this bill. But they are not attached to the bill, and, therefore, I have to oppose it in its current status.

Mr. GLICKMAN. Mr. Chairman, I thank the gentlewoman from Maryland.

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think that those who are opposed to this legislation, Members such as the gentlewoman from Maryland, have made some very good points and some very telling points, but I think the overall situation that must be corrected by this legislation is to even out the playing field for our service men and women in the military, and I think that is the argument that overrides the other arguments that have been made by each of the speakers. I particularly at this time refer to the gentlewoman from Maryland. I know of their deep concern for our military people, and I think that the points they made have been well made, and I certainly can understand where they are coming from.

Mr. RODINO. Mr. Chairman, today we have an opportunity to remedy a basic unfairness to active duty members of the Armed Forces by enacting into law H.R. 1054, which would allow members of the military to sue for medical malpractice in Government operated hospitals.

In 1946 when the Congress enacted the Federal Tort Claims Act which established a limited waiver of sovereign immunity by the United States, there was no provision excluding the military from negligence suits against the Government in peace time, noncombat situations. The Supreme Court in 1950 in Feres versus United States held that active duty military personnel may not use the Federal Tort Claims Act to sue the Government for medical or dental malpractice. This rule of law has become known as the Feres doctrine. There is no justification for the Feres doctrine which does not equally apply to military retirees and dependents using the same facilities. Two-thirds of the people treated in Government operated hospitals have the right to sue for malpractice under the Federal Tort Claims Act. The active duty military person in the next bed should also have this right. In fact, even Federal prisoners who are victims of medical malpractice in Government-operated hospitals are allowed to sue. Every day men and women in the military risk their lives for their country, but it is simply asking too much to expect them to have no redress for injuries received as a result of medical malpractice when others using these same hospitals do.

H.R. 1054 adds a new section to the Federal Tort Claims Act. This section will permit Armed Forces personnel the right to assert claims for medical or dental malpractice under the Federal Tort Claims Act. I want to point out that the new section is subject to all the restrictions found in the Federal Tort Claims Act. The Federal Tort Claims Act does not permit suits for combat activities or claims which arise in foreign countries. Also excluded are suits for intentional torts. In addition, the Federal Tort Claims Act limits attorneys fees to 25 percent, provides no right to a jury trial and imposes a 2-year statute of limitations. Suits brought under the section are subject to the substantive tort laws of the State in which the injury occurs.

The bill also provides that claims are limited to those that arise out of medical or dental care furnished to military personnel in a "fixed medical treatment facility." This would exclude claims resulting from medical treatment in military situations, in field hospitals, or on ships.

The legislation states that personal injury does not include mental or emotional disability unless these conditions result from a physical injury. This provision prohibits suits under the new section for any damage to the status or duty assignment of military personnel resulting from a negligent misdiagnosis or malpractice action.

Another section of the bill prohibits the Government from paying twice for the same injury. It requires an offset of any settlement or judgment by reduction of the amount of benefits paid to a service member under military or V.A. disability.

Mr. Chairman, the Judiciary Subcommittee on Administrative Law and Governmental Relations held extensive hearings on this legislation in both the 99th and 100th Congresses. Many witnesses came forward to describe horrible injuries due to military medical malpractice and they have no judicial recourse. Other Members of Congress like Representative STENY HOYER and Representative CLARENCE E. MILLER have told the committee of the problems experienced by their constituents with medical neglect in the military. Representative MILLER told us about Sgt. Timothy J. Adkins, USMC, who died 16 days after a tooth extraction at the Branch Dental Clinic, Marine Corps Air Station, Beaufort, SC. The report of the Department of Defense Inspector General indicates the followup care was substandard. His young widow and sons had no right to sue the Government for this tragic event.

I submit that the committee fully agrees with the Supreme Court and Departments of Defense and Justice that military personnel should not be allowed to sue the Government for negligence relating to the performance of military duties. However, we sharply disagree that allowing military personnel to sue for medical or dental malpractice will result in any breakdown of military discipline. Testimony indicated that this legislation can result in improved morale within the military establishment.

I would like to commend my colleague, the gentleman from Massachusetts, the chairman of the Subcommittee on Administrative Law and Governmental Relations, for introducing this bill, holding hearings and bringing it to the attention of the Committee on the Judiciary. I also want to thank my colleagues on the other side of the aisle, especially the ranking Member, the gentleman from Florida who has been supportive in seeing this legislation proceed.

Mr. Chairman, I urge all my colleagues in the House to vote in favor of this much needed legislation to give military personnel basic redress in our courts.

Mr. KOLBE. Mr. Chairman, I rise in strong support of the legislation, H.R. 1054, allowing members of the Armed Forces to sue the United States for damages in medical malpractice cases. I'm proud to be a cosponsor of this badly needed reform, which repeals the so-called Feres doctrine as it pertains to medical malpractice. That doctrine—a result of the Supreme Court's 1950 decision in Feres versus United States—shields negligent or incompetent government doctors from being sued for medical malpractice by active duty military personnel.

My interest in H.R. 1054 goes beyond tort reform. A resident of my district—Dorothy O. Meagher of Bisbee, AZ—has been fighting the Feres doctrine for more than 14 years, at a cost of hundreds of thousands of dollars and incalculable personal anguish. On January 17, 1974, her son, Jerry G. Meagher, walked into a naval hospital in San Diego to have a cyst removed from his left arm. It was Jerry's 22d birthday, but the events that followed would mark it forever thereafter as the greatest tragedy of his life. Due to the negligence of his doctors, Jerry suffered a cardiac arrest that resulted in permanent brain damage. To this day, medical experts believe Jerry will never recover.

In testimony submitted to the Judiciary Committee of the other body in October 1985—following the overwhelming passage of a bill similar to H.R. 1054—Dorothy Meagher describes her son's condition: "Jerry fights each day to survive. He continues to require 24-hour-a-day total care, he can't talk, eat by mouth—he's fed through a stomach tube—or turn himself over in bed. He was a bright—honor student all through school—healthy young man when he walked in that military hospital in 1974. When they carried him out on a stretcher 5 months later, he was a severely brain damaged quadriplegic. I watch him struggle daily to bring his hand up to scratch his nose or wipe his mouth."

It is impossible to imagine Dorthy Meagher's horror when she learned that a 1950 court decision prevented her son from suing the Government for medical malpractice. "When I first learned of the Feres doctrine, I couldn't believe a law like that could exist in this country," she told the Judiciary Committee. In a letter she sent me last year, Dorothy wrote: "I'll continue to keep my promise to Jerry and fight to amend the Feres doctrine for as long as I live, sometimes I think this is what his life is all about."

In 1977, Dorothy Meagher attempted to bring her son's case to the Supreme Court. The Ninth Circuit Court of Appeals denied her petition in Meagher versus United States, writing, "We do not perceive any significant distinction between this case and Feres versus United States. The result is extremely harsh, but unless and until the Supreme Court overturns or modifies Feres, we are compelled to follow it."

The Supreme Court refused to hear Dorothy Meagher's case on behalf of her son. Clearly, it is up to Congress to act.

Private legislation to help Jerry Meagher is not enough. Thousands of other men and women in uniform have suffered because of the Feres doctrine. They need our help. I urge my colleagues to support H.R. 1054 and to work for its speedy passage. To do less will only prolong a travesty of justice.

Mr. HOYER. Mr. Chairman, I rise in strong support of H.R. 1054, a bill to allow members of the Armed Forces to sue the United States for damages for personal injury or death caused by negligent medical care. First, I would like to compliment our colleague, Congressman BARNEY FRANK, the sponsor of this measure and the distinguished chairman of the Judiciary Subcommittee on Administrative Law and Governmental Relations. Congressman FRANK is to be commended for his insisting on improvements in the medical care furnished to active-duty military personnel and for his seeking the right for our soldiers, sailors, airmen, and marines to sue for compensation under the Federal Tort Claims Act.

It is a travesty that the brave men and women who proudly and courageously wear our country's uniform have too frequently fallen, not from hostile fire, but because of medical incompetence. Medical malpractice, in general, is a serious problem. It is particularly tragic when active-duty military personnel are denied the right to sue under the Federal Tort Claims Act and the Supreme Court's Feres Doctrine for damages for personal injury or death resulting from negligent medical or dental care in military facilities.

One of my constituents, Maj. David Brown of Seabrook, MD, served two tours in Vietnam during the course of a 14-year career in the U.S. Army. Major Brown received the Bronze Star and the Purple Heart as well as a number of combat citations and glowing recommendations. Unfortunately, Major Brown's bright and promising military career ended early. He did not suffer injuries in any enemy ambush or a firefight. Instead, Major Brown entered the Womack Army Hospital at Fort Bragg, NC, in May 1980 for elective surgery to correct a fertility problem. During this surgery, Major Brown experienced a drop in blood pressure, leading to depressed breathing and a severely diminished oxygen intake. Major Brown suffered permanent brain damage and other mental and physical disabilities.

What was once a promising and successful military career ended when the Army transferred Major Brown to the Walter Reed Army Medical Center. The Army found him unfit for further military service and involuntarily retired Major Brown with a 100-percent disability rating.

Major Brown cannot sue the Federal Government for compensation for his injury—an injury directly attributable to medical malpractice. This legislation does not help Major Brown because H.R. 1054 would be effective upon enactment, not retroactively.

However, I join with Congressman FRANK and the other proponents of this legislation in hoping for an immediate improvement in the quality of the care and treatment provided to active-duty military personnel. It is too late for H.R. 1054 to help Major Brown. It is also too late for this measure to help the many other active-duty military personnel who have been injured or killed as a result of medical malpractice.

But, it is not too late to help those who currently serve in the military or those who will on day defend their country. By passing H.R. 1054, the House of Representatives can demonstrate its commitment to the men and women of our armed services and can signal clearly and unmistakably that our military personnel should receive the best possible medical care and treatment. Our service men and women deserve nothing less.

Mrs. SCHROEDER. Mr. Chairman, I support Representative BARNEY FRANK's bill, H.R. 1054, to give active duty members of the armed services the right to sue the Federal Government for medical malpractice. Our soldiers should have the same rights that civilians enjoy.

The Department of Defense opposes H.R. 1054, arguing that allowing soldiers to sue for medical malpractice would impede the performance of the military in combat. DOD's argument is wrong, because the bill is limited to medical malpractice that occurs at fixed medical facilities within the United States. Medical activities in combat zones are not covered by the bill.

The military should be just as responsible as its civilian counterparts for medical malpractice. Essentially H.R. 1054 is about fairness, and that is why I am voting for the bill.

Mr. SHAW. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. FRANK. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill is considered as an original bill for the purpose of amendment, and each section shall be considered as having been read.

Mr. FRANK. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be open to amendment at any point and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SECTION 1. CLAIMS FOR IMPROPER MEDICAL CARE.

(a) COGNIZABLE CLAIMS.—Chapter 171 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 2681. Certain claims arising out of medical care provided members of the Armed Forces

"(a) CLAIMS AUTHORIZED.—Subject to the provisions of this chapter, claims may be brought under this chapter for damages against the United States for personal injury or death of a member of the Armed Forces serving on active duty or on full-time National Guard duty (as defined in section 101(42) of title 10), under the conditions prescribed in this section.

"(b) LIMITATION TO MEDICAL CARE IN FIXED FACILITIES.—The personal injury or death referred to in subsection (a) must have arisen out of medical or dental care furnished the members of the Armed Forces in a fixed medical facility operated by the Secretary of a military department or any other fixed medical facility operated by the United States.

"(c) REDUCTION OF AWARDS OR JUDGMENTS BY OTHER GOVERNMENT BENEFITS.—The amount of an award or judgment on a claim under this section for personal injury or death of a member of the Armed Forces shall be reduced by the agency making the award, or the court entering the judgment, as the case may be, by an amount equal to the total amount of other monetary benefits received or to be received by the member and the member's estate, survivors, and beneficiaries, under title 10, title 37, or title 38 that are attributable to the personal injury or death from which the claim arose. If the amount of future benefits cannot be determined because the benefits are provided under an annuity or other program of periodic payments, the amount of the reduction with respect to such future benefits shall be the actuarial present value of such future benefits.

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'fixed medical facility' means a medical center, hospital, or clinic that is located in a building, structure, or other improvement to real property; and

"(2) the term 'personal injury' does not include mental or emotional disability unless it is the direct result of a physical injury.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 171 of title 28, United States Code, is amended by adding at the end the following new item:

"2681. Certain claims arising out of medical care provided members of the Armed Forces.".

SEC. 2. EFFECTIVE DATE.

Section 2681 of title 28, United States Code, as added by section 1, shall apply only with respect to personal injuries or deaths occurring on or after the date of the enactment of this Act.

AMENDMENT OFFERED BY MR. BLILEY

Mr. BLILEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLILEY: Page 6, lines 1 and 2, strike out "the date of the enactment of this Act" and insert in lieu thereof "January 1, 1986".

Mr. BLILEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Mr. Chairman, H.R. 1054 is a bill whose time is long overdue. It allows American service men and women and their families to enjoy the same right to take part in our judicial system as is given to every other citizen in the case of medical malpractice.

It is a sensible piece of legislation that recognizes the special nature of the military in time of conflict and combat. This bill restores justice yet keeps military discipline intact.

Today, I offer this amendment—to make the provisions of H.R. 1054 retroactive to January 1, 1986—in memory of my constituent, SR James Briggs Friend III.

James Friend was a wonderful example of the vitality and commitment of American youth. He proudly answered the call to serve his country and enlisted in the U.S. Navy. While stationed in San Diego, James Friend proved to be an exemplary recruit, earning a citation as the most outstanding in his company. James Friend was going to be the kind of sailor that makes this Nation proud.

Tragically, James Friend never had the chance to receive his award; he never had the chance to fulfill his commitment to his country. Two days before his graduation, while completing his last run, James Friend suffered a heat-exertion injury. Seven days later, SR James Briggs Friend III, was dead.

You see, James Friend carried the sickle cell trait, a condition that is proven to be a serious complication to this type of injury. Though this condition was noted in his medical profile, why wasn't his training modified to compensate? Why were the emergency corpsmen not notified of his condition? Why were they ignorant of the importance of this condition to the treatment of his injury?

Yet this tragedy of James Friend's death does not end with ill-equipped, unnotified emergency corpsmen. Because as James Friend lay in Balboa Naval Hospital, struggling for his life, a travel weary, shaken family was given a nonprocedural oral briefing on James' medical status. The doctors, in noncompliance with naval medical policy, interpreted remarks by Mr. and Mrs. Friend as consent for a "do not resuscitate" order. Later, the decision to discontinue all lab work and the use of blood products was made solely by the attending physician with no expressed consent by the family. For a patient in this state, discontinuing blood products is tantamount to allowing the patient to bleed to death.

James Friend has been dead for nearly 2 years; however, his family has been unable to come to terms with his death. They have too many questions to which the law prevents them from finding answers. Ladies and gentleman, my amendment allows a grieving family to learn the truth of their son's death. And this truth will help prevent any further needless deaths. I ask for your support of my amendment.

Mr. FRANK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the concern that the gentleman from Virginia is showing on this general issue, and we understand the advocacy he is giving in the case of the people he represents. I wish it were possible for me to vote in favor of the amendment. Unfortunately, it is fairly settled and, I think in this case, settled with good reason.

The practice here is not to do retroactivity in cases like this because we have no way of knowing how many cases we would reopen. There would be an inequity with any date we might set of retroactivity, but the worst problem is that we could be opening up an innumerable set of cases. There are times when evidence has not been preserved, and the ability of the government to defend and the ability of plaintiffs to prevent cases, all of those things would be very difficult.

I do think that the gentleman has performed an important service, because he allows me the opportunity to do something that I think is very important. We want to make it very clear that in passing this bill we are not acquiescing in the position that the Feres case was correctly decided in the first place. People like those who have been wrongfully treated, people like those the gentleman from Virginia speaks on behalf of, have in the past gone to the courts, and they will in the future. The most recent Supreme Court decision regarding Feres is 5 to 4. They were one vote away from substantially voting in this doctrine.

We are passing this because the Supreme Court has said they are not going to change unless Congress says they have to. We do not mean by this to say that Feres was rightfully decided; many of us think that Feres was wrongfully decided. But the policy problems against retroactivity apply with great force.

Mr. BLILEY. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to my friend, the gentleman from Virginia.

Mr. BLILEY. Mr. Chairman, I thank the gentleman for yielding.

I appreciate the gentleman's comments. I only wish it were possible that he could support the amendment. I understand where he is coming from,

but I still wish that he could support the amendment.

Mr. FRANK. Mr. Chairman, I thank the gentleman. As I said, I admire his consistency on this issue, and I appreciate his support for the bill in general.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. BLILEY].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Illinois: Page 5, insert the following after line 9:

"(d) LIMITATION ON NONECONOMIC DAMAGES.—Any liability on a claim brought under this section shall be limited to not more than $300,000 for losses other than economic losses.".

Page 5, line 10, strike out "(d)" and insert in lieu thereof "(e)".

Mr. DAVIS of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Chairman, when the distinguished gentleman from Massachusetts [Mr. FRANK] first brought this bill to the Subcommittee on Personnel and Compensation of the Committee on Armed Services, of which I am a member, I kind of agreed with the chairman, who spoke recently on the bill in opposition. I said, why do we need to be expanding this doctrine of malpractice while the Feres decision seems to adequately take care of it?

But as the discussion and dialog that continued through the very long and protracted hearing and as I had a chance to ask a number of questions, I began to agree that equity and simple fairness probably dictated that the inclusion in the Federal tort law probably is an inadequate one for equity in the case of active duty personnel. However, there were also some discussions that related to how all that would be applied, since my main objection to its inclusion was the tort liability crisis throughout the land and all of the States looking to Washington for a resolution, which we do not seem to have, and all of them making their own adjustments, and with the insurance industry in turmoil, and a lot of other things that are going on. So we discussed a lot of different avenues of approaching this particular bill, and I am not sure any of them are adequate from my point of view. Nevertheless, I intend to support the bill if it is properly amended, and I consider my amendment a good amendment to make the bill actually better.

□ 1700

If you look at the areas of tort law in general throughout the States, joint and several liability is not included, of course, in Federal tort law because the Federal Government is the Big Mama with deep pockets anyway.

Punitive damages are not allowed under tort law. This bill does provide for offsetting awards in a compensatory damage award.

Frivolous lawsuits are not addressed and probably should have been. Noneconomic losses are not addressed and structured verdicts probably ought to be addressed and that would seem to be a simple thing to do in a disability pension system of the Army. They are not and I hope the conference committee will go range afield when they get this, if it should pass both Houses and get to that point, to address those particular issues; but this particular amendment I think goes to the heart of the problem of basic equity in tort law.

It says very simply you ought to limit the amount of noneconomic losses to a figure. I really do not care what the figure is, although in this case we picked the surrounding several States that have passed the kind of figure that was able to pass those legislatures, and I picked $300,000.

I think it is a good amendment. I think the reason it ought to be done primarily is that there is a control group setting here in military medicine of retirees and dependents, a control group that has not had this amendment in it, retirees and dependents, that will now have this particular provision put into the law and you will have an opportunity to compare then what happens when it is there in the awards system and what happens when it is not there in the awards system, with very recent history. That in and of itself, for no other reason, is a very good reason to do this.

So I would offer this amendment and hope that the House will vote for it, Mr. Chairman.

Mr. SHAW. Mr. Chairman, will the gentleman yield to me?

Mr. DAVIS of Illinois. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I would like to commend the gentleman for his amendment. I think it is most responsible and I think it would give us an opportunity here in the Congress to say that enough is enough with a lot of these malpractice cases going over the top, that there has to be some reasonable extent of liability for noneconomic damages.

I think also it is important to note when you are thinking about the extent of liability and the amount of damages under the Federal Tort Claims Act itself, attorneys' fees are limited to 25 percent of recovery, which I think certainly makes this cap most adequate.

Mr. Chairman, I plan to support the amendment and ask my colleagues to do likewise.

Mr. FRANK. Mr. Chairman, I rise to oppose the amendment.

I appreciate the constructive spirit in which my colleague, the gentleman from Illinois, has worked on this and like him and like my colleague, the gentleman from Florida, I think we should be looking at the whole tort system.

My objection, to be honest, is not so much to the principle of some form of cap. In fact, I think it is an advantage in the Federal tort claims system that we do not have the punitive damage situation which is so often abused when we are dealing with the Government, because I do not think punitive damages are a relevant concept.

I do not like the idea of giving to our armed services personnel less of a right than others.

The cases in which this cap would be exceeded I think would be relatively infrequent. The figures are not available to me right now as to how often that cap has been exceeded in other cases of medical malpractice. I do not believe it happens very often, and the most egregious kinds of cases many of us have heard about have been the punitive damage situation.

It does become very subjective as to how you get to this. The fact that there is, as I am reminded by my able staff, no jury trial in this situation is also a safeguard; so while I do not object in principle to what the gentleman is saying, I do not think we should address it here. I think that should be left to the general hearing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DAVIS].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MAVROULES], having assumed the chair, Mr. HALL of Ohio, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1054) to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care, pursuant to House Resolution 375, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute adopted by the

Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 312, nays 61, not voting 60, as follows:

[Roll No. 10]

YEAS—312

Ackerman	Dannemeyer	Hatcher
Akaka	Daub	Hawkins
Alexander	Davis (IL)	Hayes (IL)
Anderson	Davis (MI)	Hayes (LA)
Andrews	DeFazio	Hefley
Annunzio	Dellums	Hefner
Anthony	Derrick	Hertel
Aspin	DeWine	Hochbrueckner
Atkins	Dicks	Hopkins
AuCoin	Dingell	Houghton
Baker	DioGuardi	Howard
Barnard	Dixon	Hoyer
Bates	Donnelly	Hubbard
Beilenson	Dorgan (ND)	Hughes
Bennett	Downey	Jacobs
Bereuter	Duncan	Jeffords
Berman	Durbin	Johnson (SD)
Bevill	Dwyer	Jones (NC)
Bilbray	Early	Jones (TN)
Bliley	Eckart	Jontz
Boggs	Edwards (CA)	Kanjorski
Boland	Edwards (OK)	Kaptur
Bonior	Emerson	Kasich
Bonker	English	Kastenmeier
Borski	Erdreich	Kennelly
Bosco	Espy	Kildee
Boucher	Evans	Kleczka
Boxer	Fascell	Kostmayer
Brennan	Fawell	LaFalce
Brooks	Feighan	Lagomarsino
Brown (CO)	Fish	Lancaster
Bruce	Flake	Leach (IA)
Bryant	Florio	Lehman (CA)
Buechner	Foglietta	Lehman (FL)
Bunning	Foley	Levin (MI)
Burton	Ford (MI)	Levine (CA)
Bustamante	Frank	Lewis (FL)
Campbell	Frenzel	Lewis (GA)
Cardin	Gallo	Lipinski
Carper	Garcia	Livingston
Carr	Gaydos	Lloyd
Chandler	Gejdenson	Lowery (CA)
Chapman	Gibbons	Lowry (WA)
Chappell	Gilman	Luken, Thomas
Clarke	Gingrich	MacKay
Clement	Glickman	Madigan
Clinger	Gonzalez	Manton
Coats	Goodling	Markey
Coble	Gordon	Martin (IL)
Coelho	Gradison	Martin (NY)
Coleman (MO)	Grandy	Martinez
Coleman (TX)	Grant	Matsui
Collins	Green	Mavroules
Conte	Guarini	Mazzoli
Conyers	Hall (OH)	McCandless
Cooper	Hall (TX)	McCloskey
Coughlin	Hamilton	McCollum
Coyne	Harris	McCurdy
Crockett	Hastert	McDade
McEwen	Price (IL)	Smith, Robert (OR)
McGrath	Price (NC)	Snowe
McHugh	Quillen	Solarz
McMillan (NC)	Rahall	Spratt
McMillen (MD)	Rangel	St Germain
Meyers	Regula	Staggers
Mfume	Rhodes	Stallings
Michel	Richardson	Stokes
Miller (CA)	Ridge	Studds
Miller (OH)	Rinaldo	Swift
Miller (WA)	Rodino	Swindall
Mineta	Roe	Synar
Moakley	Rogers	Tauke
Molinari	Rose	Tauzin
Moody	Roth	Thomas (CA)
Moorhead	Rowland (CT)	Torres
Morella	Roybal	Torricelli
Morrison (CT)	Russo	Towns
Morrison (WA)	Sabo	Traficant
Murphy	Savage	Traxler
Murtha	Sawyer	Udall
Nagle	Saxton	Upton
Natcher	Schaefer	Valentine
Neal	Schneider	Vander Jagt
Nelson	Schroeder	Vento
Nichols	Schuette	Visclosky
Nowak	Schumer	Volkmer
Oakar	Sensenbrenner	Vucanovich
Oberstar	Shaw	Walgren
Obey	Shays	Watkins
Olin	Sikorski	Waxman
Ortiz	Sisisky	Weber
Owens (NY)	Skaggs	Weiss
Owens (UT)	Skeen	Weldon
Oxley	Skelton	Wheat
Panetta	Slattery	Whitten
Pashayan	Slaughter (NY)	Williams
Patterson	Slaughter (VA)	Wise
Pease	Smith (FL)	Wolf
Pelosi	Smith (NE)	Wolpe
Penny	Smith (NJ)	Wyden
Pepper	Smith (TX)	Wylie
Perkins	Smith, Denny (OR)	Yates
Petri	Smith, Robert (NH)	Yatron
Pickett		Young (FL)
Porter		

NAYS—61

Archer	Herger	Ravenel
Armey	Holloway	Ray
Badham	Huckaby	Ritter
Bartlett	Hunter	Roberts
Bateman	Hutto	Robinson
Bentley	Inhofe	Rowland (GA)
Broomfield	Ireland	Shuster
Byron	Jenkins	Solomon
Callahan	Konnyu	Spence
Combest	Kyl	Stangeland
Darden	Latta	Stenholm
DeLay	Leath (TX)	Stratton
Dickinson	Lujan	Stump
Dornan (CA)	Lukens, Donald	Sundquist
Dyson	Marlenee	Tallon
Gallegly	Montgomery	Taylor
Gekas	Mrazek	Thomas (GA)
Gregg	Myers	Walker
Gunderson	Nielson	Whittaker
Hammerschmidt	Packard	
Henry	Pickle	

NOT VOTING—60

Applegate	Ford (TN)	Lungren
Ballenger	Frost	Mack
Barton	Gephardt	Mica
Biaggi	Gray (IL)	Mollohan
Bilirakis	Gray (PA)	Parris
Boehlert	Hansen	Pursell
Boulter	Hiler	Roemer
Brown (CA)	Horton	Rostenkowski
Cheney	Hyde	Roukema
Clay	Johnson (CT)	Saiki
Courter	Kemp	Scheuer
Craig	Kennedy	Schulze
Crane	Kolbe	Sharp
de la Garza	Kolter	Shumway
Dowdy	Lantos	Smith (IA)
Dreier	Leland	Stark
Dymally	Lent	Sweeney
Fazio	Lewis (CA)	Wilson
Fields	Lightfoot	Wortley
Flippo	Lott	Young (AK)

□ 1715

Mrs. VUCANOVICH changed her vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend chapter 171 of title 28, United States Code, to allow claims against the United States under that chapter for damages arising from certain negligent medical care provided members of the Armed Forces.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. MAVROULES). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AUTHORIZING CLERK TO MAKE TECHNICAL AND CONFORMING CHANGES IN H.R. 1054, CLAIMS AGAINST THE UNITED STATES FOR NEGLIGENT MEDICAL CARE PROVIDED MEMBERS OF THE ARMED FORCES

Mr. FRANK. Mr. Speaker, I ask unanimous consent that the Clerk may be allowed to make technical and conforming changes in H.R. 1054, the bill just passed.

The SPEAKER pro tempore (Mr. MAVROULES). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask for this 1 minute for the purpose of inquiring of the distinguished majority leader the program for the balance of the week.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Mr. Speaker, I am happy to yield to the distinguished majority leader.

Mr. FOLEY. Mr. Speaker, I think the Members may be interested in the announcement of the schedule for the remainder of the week and for next week so that they may be advised with respect to their own plans.

The House will meet at 11 a.m. in pro forma session tomorrow and will not be in session on Friday.

We will adjourn Friday to meet at noon on Monday, February 22, 1988 in pro forma session.

□ 1730

On Tuesday, February 23, the House will meet at noon and will consider

three bills under suspension of the rules. Recorded votes on those suspensions will be postponed until after debate on all suspensions.

They are an unnumbered House bill, technical corrections to the Agriculture Credit Act of 1987; House concurrent resolution, unnumbered, to condemn the bombing of the Korean Airline flight 858; and H.R. 3689 to designate the "H.R. Gross Post Office" in Waterloo, IA.

On Wednesday, February 24, the House will meet at 2 p.m., and we will announce the schedule subsequently.

The House will consider on Thursday, February 25, and Friday, February 26, an unnumbered H.R. bill to provide assistance to support the peace process in Central America, subject to a rule being granted.

Mr. MICHEL. Mr. Speaker, what did I hear the majority leader say about Wednesday?

Mr. FOLEY. Wednesday we have yet to announce the program.

Mr. MICHEL. Will we come in at 2 o'clock or noon on Wednesday?

Mr. FOLEY. The House will meet at 2 p.m. on Wednesday.

Mr. MICHEL. I thank the gentleman.

I think the gentleman just indicated on Thursday we would probably have before us assistance to Nicaragua?

Mr. FOLEY. We will probably take up the Nicaraguan assistance legislation and that may be concluded in 1 day. In that event we would probably not have a Friday session. But we are currently listing Thursday and Friday for that legislation. I assume it might be possible to finish that on Thursday and not have a Friday session next week.

Mr. MICHEL. I thank the gentleman.

ADJOURNMENT TO MONDAY, FEBRUARY 22, 1988

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, February 18, 1988, it adjourn to meet at noon on Monday, February 22, 1988.

The SPEAKER pro tempore (Mr. MAVROULES). Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule shall be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

IN CELEBRATION OF BLACK HISTORY MONTH

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, throughout the course of history, black Americans have made grand and outstanding contributions to the development of the United States. Black Americans helped build this country, not only through our manual labor but through our intellectual, creative, and spiritual contributions as well.

Our contributions are often left out of the history books. While the painful episode of our enslavement in America is documented and remembered, the brighter moments of our heritage are often overlooked, undercounted, or passed over. Black History Month is therefore an opportunity to turn the spotlight on the black American success story.

Let us look, for example, at the success of black American inventors who are credited with thousands of inventions which range from items of household convenience to items of vital importance to business and industry. Black Americans have invented hundreds of devices and techniques, revolutionizing industry, and improving not only their own lives but the lives of all Americans and other people throughout the world.

Lewis H. Latimer, the son of a former slave, was a member of the "Edison Pioneers," the group of scientists and inventors who worked with Thomas Edison. Latimer invented the incandescent light bulb with a carbon filament and in 1882 he received a patent for an improved process for manufacturing carbon filaments used in light bulbs. Because he was a skilled draftsman, Latimer was asked to draw the plans for Alexander Graham Bell's telephone patent. In 1884, while working for the Edison Co., Latimer supervised the installation of electric light systems in New York, Philadelphia, Canada, and London. Lewis Latimer contributed significantly to America's industrial revolution.

Latimer and Americans such as Granville T. Woods, Garrett Morgan, Frederick M. Jones, Benjamin Banneker, and Elijah McCoy shaped American history in such a way that made this Nation a pioneer in science and industry.

Just as the benefits of the contributions of black Americans reach beyond the black community, recognition of these contributions should reach beyond the month of February to each month in which history is studied by our schoolchildren and each day in which we are thankful for the Nation our forefathers built for us.

PERSONAL EXPLANATION

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, on rollcall vote No. 9 I was unable to vote. Had I been present and voted I would have voted "aye."

TRIBUTE TO WAYNE AND NATALIE SEYBOLD, OLYMPIC PAIRS SKATERS

(Mr. JONTZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONTZ. Mr. Speaker, today I rise to pay tribute to a couple of very special young people from Marion, IN. They are Wayne and Natalie Seybold, the brother and sister ice skating pair representing our country at the 1988 winter Olympic games in Calgary, Canada.

Wayne and Natalie won the hearts of Americans last night as they skated to a 10th place finish in the pairs competition. It's probably the first time many people have heard their names, but my constituents in Marion have watched these two talented skaters for a long time. Wayne and Natalie finished second in the U.S. Nationals in 1985, and third in 1986. Their participation in the 1988 Olympics is the pinnacle of an already outstanding ice skating career.

The parents of Wayne and Natalie have contributed a great deal toward the success of their children. Instead of buying a new house, they sacrificed by keeping their home in a more modest trailer so they could pay for skating lessons.

The people of Marion can also take credit for the support they have given Wayne and Natalie, including $37,000 raised to help pay traveling and training expenses.

Mr. Speaker, Wayne and Natalie Seybold represent what is best about America's youth. They have given their best on behalf of our country, and even though the judges scored them 10th, they have won the gold medal in the hearts of the people of Marion and our Nation.

EMERGENCY MEASURE TO EXPAND PRESIDENT'S ABILITY TO RESCIND FUNDS

(Mr. OWENS of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of Utah. Mr. Speaker, I think all Members share my frustration over the budget process. Congressional and White House leaders worked hard following the Wall Street crash for a 2-year budget agreement.

Yet CBO now estimates that the Federal deficit will rise much faster than we expected just 2 months ago. In 1989 we will be $30 billion to $40 billion above the Gramm-Rudman deficit reduction goal. We are heading in the wrong direction.

Therefore, to permit the new President to have every rational tool to fight these deficits I am introducing today an emergency measure to expand the President's ability to rescind funds. This bill will go into effect on the first day of the new Presidential term and would end with that term 4 years later. My bill would change the current process by requiring that Congress vote to disapprove any rescission request within 45 days. Otherwise the rescission goes into effect. This would permit a statutory short-term emergency equivalent of the line-item veto.

It is time we take control of our deficit and restore world confidence in our ability to balance the budget. The October stock market crash was a warning that we must act. We face an emergency situation that requires our immediate attention.

TRIBUTE TO SHIRLEY R. GRANT

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, the Washington Post used six lengthy paragraphs last Wednesday to announce the passing of a prominent Alexandria, VA, church and civic leader.

The Washington Post is quoted:

Shirley R. Grant, 65, a Washington area resident since 1944 who was active in Catholic and community organizations, died of cancer Feb. 8 at Mount Vernon Hospital.

In 1975 Mrs. Grant became the first chairwoman of the United States Catholic Bishops' Advisory Conference.

Shirley Grant was so active, popular, and honored in the Catholic Church that a great tribute and complimentary eulogy for her was given at her funeral by the Most Reverend Walter F. Sullivan, bishop of Richmond, VA.

A large crowd of 600 people filled the St. Louis Catholic Church in Alexandria for her funeral last Thursday. It was the largest crowd I've ever seen at a funeral.

Her survivors include her husband, my friend Ed Grant, and four children, including Lorraine Grant, my talented and efficient administrative assistant and a member of my staff for the past 13 years in our Washington office.

As Bishop Sullivan said of Shirley Grant last Thursday:

We come to thank the Lord—because of her—we find that each of us is a better person for having experienced her faith, her commitment, her caring and her love.

Last, Mr. Speaker, my wife Carol and I extend to the family of Shirley Grant our sympathy and prayers.

Other family members include Shirley Grant's daughter, Eileen A. Kirsch, of Columbus, OH, and two sons, Edmund J. Grant, of Dayton, OH, and David A. Grant, of Red Bank, NJ.

INTRODUCTION OF LEGISLATION MAKING REFORMS IN SUPPLEMENTAL SECURITY INCOME PROGRAM

(Mr. DONNELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONNELLY. Mr. Speaker, earlier today I introduced legislation, along with my colleagues from Massachusetts, Mr. ATKINS and Mr. FRANK, to overturn a counterproductive aspect of the Supplemental Security Income Program. The SSI program requires that parents' income be deemed to a disabled child. Therefore, disabled children living at home whose parents are above the income cutoff point cannot qualify for SSI or Medicaid.

Recently in Massachusetts we had a case of a child who was severely disabled and hospitalized. When she was in the hospital she qualified for SSI and Medicaid because her parents' income was not deemed to her, but when the child returned home, where it was easier, cheaper and more humane to care for her, the benefits were stopped.

Massachusetts has allowed this little girl to stay on Medicaid, but a change in Federal law is needed to qualify her for SSI. Our bill will make that change in the law. Public assistance programs should encourage parents and children to stay together. A change in the SSI deeming rules is not only cost effective, but most importantly it is the right thing to do.

SATELLITE HOME VIEWER COPYRIGHT ACT OF 1987

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker, during the past decade, we have seen the emergence of a new form of television delivery which holds great promise for all Americans, especially those who reside in rural areas. The phenomenon to which I refer is home satellite television, a technology that enables virtually every American to receive and enjoy the broadest range of entertainment and educational programming.

Currently, home satellite viewers are able to subscribe to and receive network and independent superstation signals. However, due to uncertainty under the existing Copyright Act, the ability to continue receiving those signals is threatened.

Last year, I, and several of my colleagues introduced legislation to eliminate that uncertainty and ensure continued access to such programming. That legislation is H.R. 2848, the Satellite Home Viewer Copyright Act of 1987. I want to thank Congressman SYNAR, Congressman BOUCHER, and Congressman MOORHEAD for their assistance on this legislation. We believe that the bill is a fair and measured response to this problem, drawing a balance between the needs of home satellite viewers and rights of program copyright holders.

The bill creates a statutory licensing system over a 4 year period with copyright royalty rates set at a flat fee of 12 cents per month per subscriber for each superstation signal received. During the second 4 years, rates would be set by negotiation and binding arbitration. At the end of 8 years, the entire legislative package would be terminated by a sunset provision. The bill addresses only the retransmission of signals by satellite carriers and the delivery of those signals to Earth station owners.

Not only will H.R. 2848 assure that all Americans have access to this important programming, but it will also enable the infant home satellite television industry to grow and compete on even terms with other delivery technologies.

The subcommittee I chair—the Subcommittee on Courts, Civil Liberties and the Administration of Justice—has held 2 days of hearings on H.R. 2848. The hearing process is now completed, and we are readying ourselves for markup which will occur in the near future.

The bill enjoys the support of the Register of Copyrights, Ralph Oman, the Satellite Broadcasting and Communications Association, the National Cable Television Association, NRTC, Turner Broadcasting, the common carriers, Satellite Broadcast Network, Netlink USA, and the Motion Picture Association of America, among others. While some issues remain, I am confident that reasonable compromise can be reached, and a bill will ultimately pass.

I urge my fellow Members to recognize the need for all citizens of our Nation to be assured of access to network, independent, and public broadcasting programming and I call upon them to join me in supporting this important legislation.

□ 1745

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3635

Mr. MORRISON of Washington. Mr. Speaker, I ask unanimous consent

to remove Mr. DEFAZIO as a cosponsor of H.R. 3635.

The SPEAKER pro tempore (Mr. HUBBARD). Is there objection to the request of the gentleman from Washington?

There was no objection.

CONGRATULATIONS JILL WATSON AND PETER OPPEGARD

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, I rise proudly today to celebrate and commend the wonderful performance of 24-year-old Jill Watson a native of Bloomington, IN, who teamed with Peter Oppegard Tuesday night to bring home America's first Olympic medal in the pairs figure skating competition.

Jill and Peter earned their Bronze Medal with a brilliant performance of Madam Butterfly. Jill demonstrated her dedication and perseverance with a dramatic comeback from an early fall with a stunning execution of the pair's trademark move the swoop.

Indeed, Watson and Oppegard's unique and daring style is a fitting representation of American values and perseverance. As Hemingway would say, the definition of guts is "grace under pressure."

Jill's performance was also a fitting tribute to her father, Dean Watson who celebrated his 60th birthday Monday. Jill's parents, all Hoosiers and all Americans are extremely proud of her. I wish the Watson family every continued success.

CONGRATULATIONS TO THE 325TH CIVIL ENGINEERING SQUADRON AT TYNDALL AIR FORCE BASE

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, I rise to pay tribute to the 325th Civil Engineering Squadron [CES] at Tyndall AFB, Panama City, FL. The 325th Civil Engineering Squadron was recently acclaimed the winner of the Robert H. Curtin Award. This award is named after Maj. Gen. Robert H. Curtin and is given to the most outstanding civil engineering unit in the Air Force.

The unit is commanded by Col. Richard Aldinger and has as one of its primary missions the responsibility to provide civil engineering support to the Air Defense Weapons Center [ADWC], which is commanded by Maj. Gen. Clifford (Ted) H. Rees, Jr. Many in this body will remember Gen. Ted Rees as a recent Director of Legislative Liaison for the Office of the Secretary of the Air Force.

The 325th CES has some of the most dedicated and talented men and women that we have in the Air Force. The entire Tyndall and Panama City communities benefit greatly from the contributions of the outstanding personnel assigned to this unit.

DISH ANTENNAS ARE EXTREMELY IMPORTANT TO RURAL STATES

(Mr. JEFFORDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JEFFORDS. Mr. Speaker, I had intended to wait for the gentleman from Virginia's special order which will take place later with respect to those people who own dishes who try to take a look at television. I come from the small State of Vermont, the most rural State in the Nation I believe. I do not think there is hardly an issue more important to my State, to the people of rural areas than the one Mr. OLIN will bring up.

Mr. Speaker, we have snow 8 months out of the year, but when you turn on your television you have snow for 12 months out of the year. It is pretty tough.

Then you get the dishes that come in and give you good reception and you get the good educational programs and all of a sudden, bingo, it all goes off and you are back into the snow again.

So I urge the support of some legislation to try to take us out of this very difficult problem.

Mr. Speaker, I commend the gentleman from Virginia for bringing this special order up later.

UNITED STATES RELATIONSHIP WITH FIJI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. SUNIA] is recognized for 5 minutes.

Mr. SUNIA. Mr. Speaker, I rise today as a Member of Congress from the Pacific islands, a region where there is deep concern about our Government's relationship with Fiji. There is clear evidence that Fiji is back on the road to reestablishing a democratic form of government. The United States can best contribute to that process by recognizing the new government of Fiji, and I commend the State Department on yesterday's announcement to reactivate its relationship with Fiji.

The interim government has the confidence and support of a broad spectrum of Fiji's population. It has also won the formal recognition from many of its traditional friends in the international community, including Australia, France, the United Kingdom, Papua New Guinea, the Marshall Islands, and Japan. At the same time, most donor nations that suspended economic assistance at the time of the first military coup in May 1987 have announced their intention to resume assistance to Fiji.

Under the leadership of President Ganilau and Prime Minister Mara, the interim government has publicly committed itself to the return of a constitutional, elected government. There is no better combination of two more able and trusted leaders in that country than these two men. President Ganilau has vowed the return of a government of law under a constitution to be approved by the people.

He has also promised efforts to a return to the British Commonwealth of Nations. As a traditional leader, Ratu Ganilau has played an important role in holding the country together. Behind the scenes, he has exerted wisdom in calming the tides of anguish and frustration amongst the traditional leaders, the indigenous Fijians, Indians, and the military.

Ratu Sir Kaimisese Mara is a well-recognized global leader known throughout the South Pacific. He alone has served as Prime Minister since independence was granted to Fiji 17 years ago. In true allegiance to his homeland, he has agreed to resume this leadership role upon the condition that the country hold democratic elections within 2 years.

These are positive steps taken by honorable men, leaders enlightened through formal training in government and seasoned with years of on-the-job experience. These are Fijians of the highest order, born of past rulers of their islands. Their love for their home islands and for their people has mandated their return, in spite of the extenuating circumstances that prevail.

I sincerely hope that we not try to impose our brand of democratic wisdom on these Pacific islanders. I say that we should let them work out their internal problems for themselves. I am positive that, given time, the Fijians will devise their own meaningful and practical solutions within the boundaries of acceptable democratic principles.

Fiji's economy suffered severe dislocation because of the military coups. These economic problems have only delayed Fiji's ability to restore a more democratic government. United States assistance, plus that of other countries who have pledged resumption of assistance, therefore, will allow Fiji's leaders to put these economic problems behind them so that they may concentrate on rebuilding their democratic institutions. Assistance at this time will also help deflect criticism from radical elements who may prefer

a return to military rule. The United States acted yesterday as a true leader in the Pacific by taking steps to recognize one of its allies and friends.

But, Mr. Speaker, after the May 1987 military coup, $1.3 million in United States economic assitance to Fiji was suspended. Now is the time for this body to recognize the progress that has been made in Fiji and to offer concrete evidence of its desire to encourage the steps that the interim government has already taken. We should undertake, with our colleagues in the Senate, the steps necessary to promptly remove these legislative prohibitions against economic aid to Fiji.

Mr. Speaker, as a Pacific islander myself, I have every reason to believe that this action would be welcomed not only in Fiji, but also in all of the island nations of the region.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK (APRIL 24-30, 1988)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. MORRISON] is recognized for 5 minutes.

Mr. MORRISON of Washington. Mr. Speaker, I am again privileged to introduce a joint resolution authorizing and requesting the President to issue a proclamation designating April 24 through 30 of this year as "National Organ and Tissue Donor Awareness Week." I am delighted to be joined by over 120 of my colleagues as original cosponsors, most of whom have joined me in successfully sponsoring this important resolution for the past 5 years.

Medical advances make it possible to transplant a number of human organs and tissues—but much of the battle now is finding enough suitable donors. The American Council on Transplantation tells me that more than 17,000 people in our country are on waiting lists for kidney, heart, heart-lung, liver, pancreas, cornea, and bone marrow transplants.

Since enactment of this resolution and the National Organ Transplant Act of 1984, attention has been increasingly focused on the need for organ and tissue donors. Twenty percent of all Americans, age 18 and over, now carry an organ donor card and health care providers are finding that 70 percent of all Americans will donate if approached.

Mr. Speaker, I recognize that organ donation often comes at the most difficult time in the life of a family—the passing of one of its members. Through increased awareness, however, more families can come to realize and even take comfort in the heroic gain that can result from such a tragic loss. As individuals, we may come to accept that the tragedy of life is not death, but what dies inside of us while we're still living.

Recent efforts in Congress requiring participation in the Medicare and Medicaid Program to include the establishment of written protocols for identification of potential organ donors have helped increase the supply of vitally needed organs. But we can do more. Thousands of additional lives could be saved each year if more folks understand that they truly can give someone the "gift of life."

Mr. Speaker, so that we may again draw public attention to the need and opportunity for organ and tissue donors, I encourage my colleagues to join me in sponsoring "National Organ and Tissue Donor Awareness Week."

□ 1800

GENERAL LEAVE

Mr. MORRISON of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the subject of the special order today by the gentleman from Illinois [Mr. PORTER].

The SPEAKER pro tempore (Mr. HUBBARD). Is there objection to the request of the gentleman from Washington?

There was no objection.

COAST GUARD BICENTENNIAL COMMEMORATIVE STAMP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. HUTTO] is recognized for 5 minutes.

Mr. HUTTO. Mr. Speaker, on August 4, 1990, the U.S. Coast Guard will celebrate its 200th birthday.

The Coast Guard is the oldest continuous seagoing service of the United States, and Coast Guard personnel have fought alongside the Navy in every war since the United States' conflict with France in 1799.

All Americans benefit from the services of the men and women of the Coast Guard, whether it be directly as the result of search and rescue missions, or indirectly through enhanced port security, the cleanup of oil spills, the safe transport of consumer goods made possible by the Coast Guard's system of aids to navigation, or the interdiction of illegal drugs plaguing our Nation.

The many missions of the Coast Guard are critical to the health and safety, as well as the national security, of our Nation. As the fifth branch of our Nation's Armed Forces, the Coast Guard is a 24-hour-per-day, 7-day-per-week service whose personnel put in 96-hour work weeks, without overtime pay, if that's what it takes to get the job done. Despite ever-increasing missions and cuts in their funding, the dedicated men and women of the Coast Guard continue to live up to their motto—Semper Paratus—Always Ready.

The members of the House Merchant Marine and Fisheries Committee have recommended to the Citizens' Stamp Advisory Committee that a commemorative stamp be issued in 1990 in recognition of the bicentennial of the Coast Guard.

Today we are also introducing a resolution directing the Postmaster General to issue a Coast Guard commemorative stamp, and would be pleased to have all Members of the House join us as cosponsors of this resolution honoring the Coast Guard.

THE SUPERCONDUCTING SUPER COLLIDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. RITTER] is recognized for 5 minutes.

Mr. RITTER. Mr. Speaker, I rise today to offer compelling evidence that the people of this country, especially those who are faced with the global challenge in technology and industry, are mobilizing to reject the super budget-busting "quark barrel" project known as the superconducting super collider. We have all heard of it, the SSC.

Now that the Department of Energy has eliminated all but seven States from the site selection process, we will begin to see that the elected representatives from districts which no longer are eligible for this science gravy train will join a number of the Members of this House who oppose SSC in recognizing the superconducting super collider for what it is—a $6 billion assault on the Nation's science priorities and science budget.

Scientists in many fields already fear that the twin blows of the stock market drop and the ongoing effort to slay the deficit monster will force cuts in their programs, existing programs, important programs. Well, they are right. Just look at what has happened to the 1988 National Science Foundation budget. It has been severely cut. Committing a significant portion of the science budget to the superconducting super collider, the SSC, would adversely affect major projects to which we are already committed such as the space station and even the space shuttle program itself.

When important projects in areas such as semiconductors, superconductivity, photonics, biotechnology, manufacturing sciences, and so many others must go unfunded or underfunded because of the superconducting super collider, we must ask ourselves whether our competitiveness as a nation would be seriously hampered.

That is why I wrote a letter to the president of the Industrial Research Institute [IRI], Dr. S. Allen Heininger

of the Monsanto Corp. asking for the IRI members to contact me with their views on the SSC. I might say to my colleagues that this organization [IRI] is the key research and development group which represents a cross section of American industry—some 250 firms that are vitally interested in making their companies and their country more competitive. The response from the Industrial Research Institute members, has been sobering. Many of those members express their concern for the future of science in this country if the superconducting super collider is allowed to be built.

Let me say to my colleagues that the story is out. The private sector, the sector responsible for our jobs, our standard of living, and our competitiveness as a nation, has not been consulted in developing the SSC proposal. It appears that the only companies consulted were those with a stake in it's construction. Let me quote from some of the IRI member letters.

Dr. Kumar Patel, the executive director of research for AT&T Bell Laboratories, the flagship private sector research facility in America, writes that "our Nation's international status in manufacturing sciences * * * is slipping." To regain preminence, Dr. Patel says, we do not need the SSC—we need investment in scientific disciplines which have direct relevance to products and applications which revitalize our economy and make us more competitive. Now, this is a quote by Dr. Patel:

> High energy experimental particle physics has not and will not contribute much to the science and technology of manufacturing.

That is where we have fallen behind. That is where we need to make major strides. SSC or superconducting super collider supporters have argued that the technological spinoffs from building the SSC will contribute to our competitive strength as a nation. Dr. Patel and others reject that argument as "patently unjustified." He concludes his letter to me with the view that the superconducting super collider "is a distortion of the Nation's priorities."

Mr. Speaker, I have received, and continue to receive, many more responses like these. Initially, literally hundreds of Members of Congress thought they had a chance to get the SSC in their districts or in their States. These Members thought they had a chance to attract the jobs and Federal dollars which the SSC represents. Now with only 7 sites remaining, I invite them, as well as other Members interested in budget sanity and in a competitive future for America, to consider these voices from the private sector plus voices like Nobel Laureates Phillip Anderson of Princeton University and Arno Penzias of Bell labs, and join me and other Members like BUDDY MCKAY of Florida and CLAUDINE SCHNEIDER of Rhode Island, in taking a stand against further funding for this project. We can't afford it financially; we can't afford it scientifically.

I'd like to share with my colleagues a sampling of the responses that I received from the IRI members.

The responses follow:

Mr. Richard I. Mateles, vice president-research, Stauffer Chemical Co.

"High energy particle physics is certainly an intellectually stimulating field, but it is not more important than super-conductivity, robotics, photonics, super-computing, or numerous other areas."

". . . other areas are going to see a decrease as the funds are moved from other programs into the SSC."

Mr. F. Thomas Krotine, senior vice president, corporate research and development, The Sherwin-Williams Co.

". . . the potential for flow-through of science from SSC is not apparent."

"I believe that the SSC is a poor choice compared to other U.S. priorities."

"I am most concerned about the potential for draining more scientists and engineers from the talent pool in a period when university output is diminishing."

Dr. J.J. Wise, vice president-research, Mobil Research and Development Corp.:

"It is highly speculative whether the SSC will ultimately provide new information and understanding of particle physics that can be translated into benefits to industry and the nation as a whole."

"Considering the trade-offs that would have to be made to pursue the scientific possibilities of the SSC, I do not feel that the construction of the SSC can be justified at this time."

Mr. Patrick J. Carroll, director, corporate R&D, machinery and defense operations, FMC Corp.:

"It is my opinion . . . that the SSC should be postponed by several years and short term emphasis be placed on programs that address the productivity of the U.S. manufacturing base."

Dr. John N. Dempsey, vice president, science and technology, Bemis Company, Inc.:

"The value of SSC from a practical standpoint in terms of benefits to the average man in the street, industrial competitiveness, [is] very far in the future—that's a given."

"I feel that SSC should be delayed until we sort out the priority programs that bear on the very survival of our country. Until we fund those programs adequately, there is no room for SSC."

Mr. I.G. Snyder, Jr., vice president, Dow U.S.A., director of applied R&D, Dow Chemical Co.:

"It seems our nation needs to reassess our mechanisms for priority setting in the total R&D budget process."

"Your position on the SSC is very appropriate."

Dr. Chester D. Szymanski, corporate vice president, research and development, National Starch and Chemical Corp.:

"There are clearly other research areas in need of additional funding where the practical and economic gains will be greater and can be measured in lives saved or in quality of life improvements or simply jobs created for our people, rather than scientific advancement in a narrow area and the possibility of Nobel Laureates."

"The area of particle physics research is requiring increasingly greater exrpenditures for more difficult explorations with diminishing returns."

Mr. D.B. Rogers, general director, research and development, Dupont Electronics:

"The price tag [for SSC] is unconscionably high."

"It is difficult for me to understand how the SSC could rank on a national priority list that includes biomedical research, superconductivity, photonics, high density semiconductor integration and interconnection, structural composites, fossil fuel recovery, alternate sources of energy factory automation, etc."

Mr. Walter L. Robb, senior vice president, corporate research and development, General Electric Co.:

"Investing more heavily in this area, when there are so many other high priority items that need to be funded, simply does not make good sense."

Mr. F.B. Sprow, vice-president, corporate research, Exxon Research and Engineering Co.:

"With a 'zero sum' budget, this [the SSC] hurts much of the effort that I believe is most important to progress on the competitiveness issue in this country."

Dr. S. Allen Heininger, corporate vice president, resources planning, Monsanto Co.:

"It is my conclusion that undertaking a new initiative of the magnitude of the SSC * * * would not serve the national interest at this time.

Dr. Grady W. Harris, vice president, research and development, Hollister Co. (Libertyville, IL):

"We should not build the S.S.C. at this time."

"I feel that the proposed S.S.C. should be postponed, and that higher priority research areas such as AIDS, superconductivity, and supercomputing should receive the funding instead."

A PENNY SAVED IS A PENNY EARNED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, many people complain that pennies can't buy anything anymore, that they are just not worth the trouble to make or to keep. Warren Holdread of Elkhart, IN, has proven these naysayers wrong. Those pennies that most toss aside have provided a unique form of savings for Mr. Holdread.

Frugality is a difficult task for many, many people. In this era of overspending and overextended credit, it is difficult to imagine paying cold, hard cash for a major purchase. Instead, most people turn to credit for assistance, either by using credit cards or obtaining loans. This habit has led us to the individual debt problem which this Nation is now experiencing.

Mr. Holdread found a way to avoid the need for credit when he recently purchased a new car. His solution was cold, hard cash. He paid for it with pennies.

A retired jailer, Mr. Holdread has saved more than 500,000 pennies over the past 15 years. He saved more than that, but used them to buy a pickup truck in 1972.

The simple gesture of tossing pennies into a jar may be viewed as an antiquated form of savings, but Mr. Holdread has proven that it can be a worthwhile endeavor. Mr. Holdread has set an excellent example of how one can pinch pennies without ever feeling the pain. His story reminds us that even the smallest effort can help to alleviate dependence on credit.

I am submitting an article about Mr. Holdread which appeared on the Associated Press newswire on December 21, 1987, with the hope that others will resolve in this new year to dig themselves out of debt. Mr. Holdread has shown that even small yet consistent efforts toward saving money can actually pay off in the long run.

The article follows:

RETIRED JAILER SAVES A PRETTY PENNY TO BUY A CAR

ELKHART, IND.—A retired jailer has spent the past several days carting at least 500,000 pennies saved over 15 years to a waiting armored truck at a dealership where he traded the coins for a new car.

"Honest to goodness, I have not spent a penny in 40 years," said Warren Holdread, who spent a half-million pennies to buy a pickup truck at the same dealership in 1972.

Holdread purchased a Chevrolet celebrity. Del Richardson, President of Tom Naquin Chevrolet, says Holdread brings in more fun than profit.

"It will cost three-and-a-half cents a roll to have them wrapped. That's 7 percent," Richardson said. "But it's a lot of fun. People said it could happen only once in a lifetime, but this proves them wrong."

Holdread has been tossing spare pennies into a 10-gallon milk can in his den, then emptying the can into a 55-gallon drum in his garage. He estimates the total number of coins could run as high as 700,000.

John Killelea, vice president of First National Bank of Elkhart, said the pennies will be taken by armored truck to a Chicago bank. "It would probably take us at least four or five days to count them all," he said.

Holdread says his penny saving habit began as a kid with a paper route. Friends in adulthood made the habit even easier. "The word gets out that you save them," he said. "Friends will say, 'Here's 10 pennies,' and I just throw them in the can."

Holdread says he'll write a check to cover the differences if his pennies don't add up to the purchase price. And he says his penny-pinching days are over.

"There was no way in the world you could move that barrel, and my wife is tired of working around it," he said.

BLACK AND BEAUTIFUL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FLAKE] is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, a study of our history as black people in America, as we come to this period in February, Black History Month, should not be limited to February. We do not need to be designated a day or a month to allow us to look at our glorious past. Rather, let us make this month an opportunity, as a new beginning, to look at ourselves, to look at our heritage, to call on our brothers and sisters of all racial and ethnic persuasions to an understanding that we are all American citizens, that we all share the same common dream, that we all share the same blood.

We are not a race of former slaves; we are the descendents of kings and queens. We represent a people who were brilliant scholars, skilled craftsmen, gifted innovators, artists, and statesmen. Our history reaches back beyond the slave ships that carried us here to the moment when we first as human beings stood and walked upon the face of the Earth.

The time from that moment to the present has been filled with the legacy of greatness our forebearers left to us. We must look forward to a time when our children know they are born of a race of great human beings, and that their potential is unlimited. We can achieve this by learning all we can, not only about slavery, we can achieve this by learning all we can about a people who came not of their own desire but ripped from the bowels of Africa, a people who have been able to survive, a people who have been able to achieve, a people who have been able to accomplish, not because of but in spite of, a people who to this day look for the means by which they might develop the economic, the educational, and the community development techniques and skills that are necessary to rebuild urban America.

Black History Month is not just a month. Black History Month ought to be every day. Black History Month ought to be a time when every day of our lives during the course of a year we commit ourselves and rededicate ourselves not to look down on a race of people simply because of their color but to look to them realizing that together we can realize the dream of fulfilling the kind of unity this country will need if it intends to continue to be competitive in the worldwide marketplace.

America is great. Black Americans have helped to make it great. The challenge then before the Nation is to realize the benefits and contributions of black Americans and understand that they reach beyond the black community. Recognition of these contributions should reach beyond February of each year. Rather, there should be an understanding on the part of all school children through our educational processes that black children and white children and all children who are Americans must be able to live together, to grow together, to work together.

The challenge, therefore, of this Black History Month is to sound a signal and the alarm that it is time for a new beginning. This Nation can no longer tolerate racial intolerance, it can no longer tolerate injustice, it can no longer tolerate two separate societies moving in different directions. It is time for us not to set aside moments when we celebrate our ethnicity but, rather, understand that there is a greater claim, and that is that we all labor under the banner of being citizens of this Nation and citizens of this world.

I challenge everyone, then, to become informed about blacks and about black history. You may do so by contacting the Schomburg Center for Research and Black Culture and the Moorland-Springarn Research Center at Howard University in Washington, DC, or you may do so by going to your library and studying the historical contributions of a people who seek nothing more than to be accepted, not on the basis of color but on the basis of the content of their character.

HAITI, A NEW CENTER FOR DRUG ACTIVITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS of New York. Mr. Speaker, Haiti, a country of 6 million people just 90 miles from the shores of the United States, is now under the domination of the second largest power or second strongest power in the Western Hemisphere, the South American drug mob. The commissar for the South American drug mob in Haiti is Col. Jean-Claude Paul.

We should not be surprised that there are countries in this hemisphere under the domination of the South American drug mob. There is the highly publicized General Noriega in Panama. It is quite obvious he is one of the commissars in Bolivia and in some other South American countries, including Peru. There is tremendous intimidation by the South American drug mob.

The South American drug mob is a threat to the United States of America. We and our families and our children are threatened by the ability of this mob to penetrate our borders at will and keep the flow of narcotics going. The tremendous amount of money that they have is a corrupting influence throughout the whole hemisphere, and now they have total control over the whole operation through Col. Jean-Claude Paul, who is the real power behind the Haitian regime.

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Last December it was reported by United Press International correspondent Neil Roland that senior Haitian army officials were linked to the

November 29 election day massacres. The most notable official, the man in charge, was Col. Jean-Claude Paul. Jean-Claude Paul heads the semiautonomous Dessalines Battalion, a battallion which consists of hundreds of Tonton Macoute terrorists personally recruited by Colonel Paul. Colonel Paul was also being investigated by the U.S. attorney's office in Miami for drug trafficking. He was said to have assisted in the smuggling of Colombian cocaine into the southern United States, but the Haitian authorities took no action. In fact, they blocked the investigation of Colonel Paul. A Haitian effort to investigate the colonel 2 years ago was halted by the leader of Haiti's ruling military junta, Gen. Henri Namphi.

Mr. Speaker, I will submit for the RECORD a copy of Neil Roland's article in the San Francisco Examiner of December 14, 1987, as follows:

[From the San Francisco Examiner, Dec. 14, 1987]

ARMY OFFICIALS LINKED TO HAITIAN TERROR

(By Neil Roland)

WASHINGTON.—Senior Haitian army officials linked to deposed dictator Jean-Claude Duvalier may have instigated attacks that left as many as 80 people dead and halted Haiti's first presidential election in three decades, State Department and congressional sources say.

A State Department official, who asked not to be identified, said "numerous" reports filed with the department alleged "the central involvement" of Col. Jean-Claude Paul, commander of the Haitian army's largest battalion, in the Nov. 29 violence.

Department officials also have made these reports available privately to Congress.

Congressional aides said the reports provided further evidence that the army-dominated provisional government of Lt. Gen. Henri Namphy may have tried to sabotage the nation's transition to civilian rule.

Until now, administration spokesmen have repeatedly voiced the belief that the violence was organized by civilian thugs known as Tonton Macoutes, made up of former Duvalier guards.

Assistant Secretary of State Elliott Abrams said in an interview that "some Haitian army soldiers apparently were involved in the shooting."

Paul heads a semiautonomous, 1,000-man military unit that has been accused of torturing political dissidents. He also is the target of a drug-trafficking investigation by the US attorney's office in Miami, department officials said.

The State Department has relayed to the Haitian government allegations that Paul has aided smuggling of Colombian cocaine into the southern United States, the officials said. But the Haitians have taken no action.

"Paul appears to be too powerful," one official said.

A State Department official who asked not to be identified said the department had received reports that Paul "was involved in plans" for the violence and "approved and organized" the attacks.

The official said Paul's battalion, the Casernes Dessalines, was reported to have been involved in numerous Election Day attacks around the Haitian capital of Port-au-Prince. The official declined to identify the sources of the reports.

Paul comes from a family with close ties to the Duvalier dynasty, which ruled the nation from 1957 to 1986.

His father, "Boss" Paul, served on the staff of Francois Duvalier, the Haitian dictator from 1957 to 1971. Paul's brother, Alexander, served as a consul in the Bahamas and the United States under both Duvaliers, Haitian and congressional sources said.

Abrams, the senior department official for inter-American affairs, and other department spokesmen declined to discuss Paul's role in the attacks.

The Haitian Embassy did not respond to requests for comment.

US officials have in recent weeks rebuked the Haitian army for "not creating a secure environment" for the elections.

But Newsweek magazine reported Sunday that the US Ambassador to Haiti, Brunson McKinley, had discounted repeated staff warnings that the military-led government was orchestrating a terror campaign to undermine the Nov. 29 elections.

Citing unnamed key aides at the US Embassy in Port-au-Prince, Newsweek said McKinley had ignored reports of the return of the Macoutes and of army involvement in the death squads.

"He didn't want to hear the negative side," Newsweek quoted one US Embassy official as saying.

"It was a judgment call and in hindsight it was probably wrong," another embassy aide told Newsweek.

Mr. OWENS of New York. Also, Mr. Speaker, I would like to submit two recent articles, one by E.A. Wayne which appeared in last Thursday's Christian Science Monitor, and one by Jerry Seper in today's Washington Times.

[From the Christian Science Monitor, Feb. 11, 1988]

DRUG CHARGES HIT TOP HAITIAN OFFICER

(By E.A. Wayne)

WASHINGTON.—United States attorneys in Miami are preparing to indict a senior Haitian military figure on drug trafficking charges, according to US and Haitian exile sources.

Col. Jean-Claude Paul, commander of the powerful Dessaline Battalion in Haiti's capital, has been under suspicion of drug smuggling since 1986, sources say, but only recently have investigators compiled enough evidence to proceed with grand-jury activity and possible indictment.

He would apparently be charged with aiding the flow of Colombian cocaine to the US and of arms from the US to Colombia, sources say. Some sources say an indictment is imminent, but given secrecy of the process, others are unsure.

If Colonel Paul is indicted, the case will severely challenge Haitian President Leslie Manigat, who has pledged a crackdown on drug smugglers.

Though US officials were unwilling to discuss the judicial investigation, they said an indictment could call into question the arrangements by which Mr. Manigat came to power, if he tries to fire Paul. US congressional sources say that will view this as a "serious litmus test" of civilian control in Haiti and of how the US should deal with the new regime.

Paul's unit is viewed as the most important in the country, and his troops are "fiercely loyal" to him, US officials say. This makes it very difficult for Haiti's President or Paul's nominal military superiors to move against him. Well-informed Haitians say Paul has warned that he will not go down alone, if others try to remove him.

Paul allegedly played a major role in directing violence that upset the November elections in Haiti, because of close ties to the Tonton Macoutes, the secret police created during the Duvalier dictatorship. The violence and killing paved the way for Manigat's election last month.

Paul is seen as very close to the Gen. William Regala, who was No. 2 man in Haiti's transitional junta and may be named defense minister. "He is the muscle and Regala is the brain," says a Haitian opposition source.

But Paul has an independent power base. Since becoming commander of the Dessaline barracks in early 1986, he has assiduously wooed his troops—dining with them, wearing fatigues like theirs, supplementing their pay with bonuses (allegedly funded from drug trafficking), Washington sources say. "They will kill at his command," a Haitian opposition source says.

Paul has also reportedly incorporated several thousand Tonton Macoutes into his unit making it even more formidable, U.S. officials say. "He's got all the guns," one US specialist says.

Washington first raised reports of Paul's activities in the transitional Haitian government in 1986, but received no satisfactory reply, officials say.

After the initial U.S. complaints, an internal Haitian military investigation was launched, Haitian exile sources say. The final report reportedly confirmed the charges and included aerial photos of Paul's "farm" with a private landing strip. But after the Army chief of staff presented it to Gen. Henri Namphy, the then-acting head of government, the investigating officers were reportedly transferred and accused of plotting a coup. The Army chief of staff and the colonel in charge of the investigation were subsequently forced to retire.

U.S. officials could not confirm the Haitians' charges. While stressing their lack of knowledge of the U.S. judicial investigation, they say earlier U.S. intelligence indicates Paul is alleged to have taken over parts of the drug-trafficking ring once reportedly run by the father-in-law of Mr. Duvalier. Paul's brother Alexander, former Haitian consul in Miami, is reported to have been in that earlier operation and the current one, they say. Colombian cocaine and marijuana were reportedly the staples of this trade.

Informed Haitians here say that Paul is well tied into the Tonton Macoutes, in part because his father was in the personal entourage of François Duvalier, who founded the group to keep the military and opponents in line.

Paul's reported ill deeds go beyond drugs. A Reuter dispatch from Haiti reports that he and his two brothers arranged to receive the 4,000 tons of waste from the city of Philadelphia dumped on the Haitian coast line near the port of Gonäives, in January. Haiti opposition sources have provided the Monitor with what appears to be an import authorization from Haiti's minister of commerce for the Paul brothers to import 20 million kilograms of U.S.-origin ash, free of inspection.

Unloading of the ash stopped after local residents vigorously complained, news reports from Haiti indicate. The waste may contain high levels of dioxin, press reports

say. The Paul brothers reportedly received $200 a ton to accept the ash.

Washington will be watching carefully how the Haitian government reacts, if the indictments are issued. The U.S. has cut off all but humanitarian aid and antidrug cooperation with Haiti until democratic elections are held. Senior U.S. officials have made clear that they will judge the new government by its acts.

U.S. officials believe Manigat was elected after striking a deal with the military. Reports from Haiti, sources say, indicate General Namphy, who headed the transitional government, will be named chief of staff, and General Regala, who was Namphy's No. 2, will become defense minister. Martial Celestine, an associate of Manigat, was named prime minister Tuesday.

U.S. officials and congressional activists doubt that Manigat can move against Paul alone. They also wonder if Namphy and Regala have the will or courage to act against their powerful colleague. But if the Haitian government does move against Paul, the ball will be back in Washington's court, and it will be hard to avoid expressing thanks in some way, an official says.

[From the Washington Times, Feb. 17, 1988]

HAITIAN COLONEL FACES U.S. DRUG INDICTMENT

(By Jerry Seper)

MIAMI.—A senior Haitian military commander is expected to be indicted by a federal grand jury here in connection with a multimillion-dollar cocaine-smuggling operation, sources said yesterday.

Army Col. Jean-Claude Paul, who is in charge of the largest military battalion in the Haitian capital of Port-au-Prince, allegedly was involved in the shipment of several hundred pounds of cocaine from Colombia to the United States during the past two years, the sources said.

The cocaine, belonging to the infamous Medellin Cartel in Colombia, allegedly entered this country through Florida by way of the Bahamas.

The expected indictment would follow similar action taken Feb. 4 against Panamanian strongman Gen. Manuel Antonio Noriega, who was indicted by a federal grand jury here on 12 counts of drug trafficking, money laundering and racketeering.

The Paul indictment, according to the sources, is based in large part on secret testimony given last month by a Miami businessman, Osvaldo Quintana, 35, who reportedly told the grand jury that he personally arranged with Col. Paul for the shipment of more than 200 pounds of cocaine to the United States in December 1986.

According to federal sources and others, Mr. Quintana told the grand jury that the cocaine—worth about $1.5 million—was flown from Colombia to a landing strip on Col. Paul's ranch near Port-au-Prince and then transported by boat through the Bahamas to Florida.

Mr. Quintana, according to the sources, also testified that Col. Paul met with him and others to discuss the alleged deal and gave drug smugglers directions to an isolated landing strip on his ranch.

The sources said Mr. Quintana also testified about other top Haitian officials, including members of the government's ruling council, who allegedly were involved in drug-smuggling activities. Names of the other officials were not disclosed.

The sources said, however, that Mr. Quintana told the grand jury that high-level Haitian officials recruited him into their drug-smuggling operation.

The indictment, according to the sources, could be the first major test for Haiti's new civilian government, headed by Leslie Manigat, who was elected president in January. Mr. Manigat, who won in a second round of voting widely believed to have been rigged in his favor by the military, has pledge to crack down on drug trafficking. The first round of voting was marred by violence.

Col. Paul could not be reached yesterday for comment. He is commander of the 1,000-man Dessaline Battalion, which is considered the most important military unit in the country. His troops, according to the sources, are believed to be "fiercely loyal."

A move by Mr. Manigat to remove Col. Paul from his post could prove to be a serious test of civilian control in Haiti.

According to the sources, Col. Paul is believed to have played a major role in directing the violence that upset the November elections—because of his alleged ties to the Tonton Macoutes, the secret police created during the dictatorship of Jean-Claude Duvalier. A total of 34 people were killed in two days of rioting.

Mr. Paul's ex-wife, Marie Mireille Delinois, 39, was indicted last March in Miami on drug trafficking charges. She vanished soon after she was released in Miami on $250,000 bond and was declared a fugitive.

Mr. Quintana is a Cuban exile who ran a seafood business in Miami before turning to smuggling, according to the sources. He reportedly began cooperating with U.S. authorities following his arrest last year by federal drug agents on cocaine-smuggling charges.

In January 1987, the sources said, Mr. Quintana became a Drug Enforcement Administration informant and secretly recorded conversations he had with alleged drug traffickers operating out of Haiti.

His lawyer, Ellis Rubin, confirmed yesterday that his client had testified before the grand jury and that he had outlined alleged drug-smuggling activities involving Col. Paul and others. He said he has been told by federal authorities that the Paul indictment is expected next Wednesday.

Mr. Rubin also said the Justice Department had promised to protect his client against possible retaliation by others involved in the alleged smuggling operation, but that federal authorities had not made good on the promise.

"Mr. Quintana is not safe and the Justice Department knows that," Mr. Rubin said. "They are not doing anything to protect him. It's been promised, but it just hasn't been forthcoming."

Mr. Rubin said he was trying to arrange for Mr. Quintana to testify before the same U.S. Senate committee investigating alleged drug smuggling by Gen. Noriega. "If we go public on this matter, it may be the only way we get the protection we need," he said.

John Russell, a Justice Department spokesman, said yesterday he knew nothing about any pending indictment against Col. Paul.

Officials at the U.S. Attorney's Office and the DEA in Miami also have declined to comment on the matter.

Federal drug agents have long viewed Haiti as a busy way station for the shipment of cocaine and marijuana to the United States and privately have complained over a lack of cooperation from Haitian officials.

Mr. OWENS of New York. The two articles, one by E.A. Wayne which appeared last Thursday in the Christian Science Monitor, and one by Jerry Seper in today's Washington Times, say that the U.S. Government will indict Colonel Paul for drug trafficking. The Washington Times article says the indictment may occur next Wednesday. The Christian Science Monitor article said the indictment will challenge the newly installed government of former political science professor Leslie Manigat. Manigat is thought to have made a deal with the all-powerful Haitian military in order to win the Presidency in the January 17 elections which were marked by bribery and fraud. These elections, of course, took place after they had destroyed the November 29 legitimate elections.

The U.S. State Department had received reports about Colonel Paul long before the November 29 election. The U.S. State Department was well aware of the influence that Colonel Paul exercised over the present Haitian Government, yet our State Department, with our intelligence sources, which know better, continue to counsel some kind of approach to the present Haitian Government.

By all accounts Colonel Paul is a very dangerous man. He has a long history of criminal activity. Colonel Paul comes from a family with close ties to the Duvalier regimes. His father, "Boss" Paul served on Francois Duvalier's staff from 1957 to 1971. The Colonel's brother, Alexander, served as consul in the Bahamas and in the United States under both Duvalier regimes. Colonel Paul is very close to Gen. William Regala, a key figure in the ruling military junta. William Regala is now slated to become Defense Minister in the Manigat government. It is also said that Colonel Paul took over parts of the drug operation once run by Jean-Claud Duvalier's father-in-law.

Colonel Paul has a power base in his Dessalines Battalion. He is feared by the rest of the army. He is feared by the government. He has won his soldiers' unquestioned loyalty by giving them pay bonuses from funds that are raised through his drug operations. They do not care whether we cut off aid or not to pay the soldiers of Haiti. They have plenty of money from the second greatest power in this hemisphere, the South American drug mob. Some say that Colonel Paul's troops would kill at his command, and indeed they have killed at his command.

Colonel Paul and his brothers are not even above jeopardizing the health of fellow Haitians. Recently they arranged for the receipt of 4,000 tons of toxic waste from Philadelphia. They dumped it on the Haitian coastline, or attempted to dump it on the Haitian coastline near the Port of Gonaives last month. Only an effective protest by the residents in that

area stopped the dumping of the ash, which contained high levels of dioxin. The Paul brothers reportedly received $200 a ton to accept this waste. While Colonel Paul continues to intimidate and to gain greater control, the State Department is considering restoring aid to Haiti.

Why do we not just say "no"? Nancy Reagan wants to stop drugs along with the rest of us. Why does not this administration just say "no" to all aid to Haiti? Why do we not support the democratic opposition in Haiti which is still strong? Let us support the democratic opposition. Let us say "no" to restoring aid to Haiti. Let us say "no" to Colonel Paul. Let us stop the second greatest power in this hemisphere from expanding its octopus tentacles over the rest of the hemisphere. Let us stop the drug trade now. Let us stop it in Haiti by saying "no" to any further aid to Haiti.

Mr. Speaker, finally, I submit an article by James Dorsey from the Washington Times of February 12, 1988.

AID TO HAITI HINGES ON LEADER'S INDEPENDENCE

(By James M. Dorsey)

Haitian President Leslie Manigat will have to demonstrate his independence from the island nation's armed forces before the Reagan administration resumes aid, according to officials and sources close to the administration.

The administration is drafting a series of conditions that Mr. Manigat would have to meet to qualify for the $80 million a year in economic aid suspended after the Haiti's first attempt at democratic elections in 30 years was smothered in blood Nov. 29 by soldiers and unidentified gunmen.

Mr. Manigat was inaugurated Sunday, three weeks after he won elections organized by the military-dominated government of Lt. Gen. Henri A. Namphy.

Mr. Manigat is hiring at least two Washington public relations firms in an effort to improve Haiti's image and persuade the administration to restore the aid.

"Getting Western donors to turn on the aid is crucial to Haiti's survival," one official said.

Haiti's main benefactors have been the United States, France, Venezuela and Canada, with the lion's share of the aid coming from Washington.

"It's clear that Manigat thinks he can do it. He has spent his years of exile in three of the four crucial countries. He has lived in Washington, in Paris and in Caracas," one official said.

Some officials and analysts said Mr. Manigat was endorsed by the Haitian military because he had pledged to persuade the United States to resume aid.

The Reagan administration has been careful not to accept the legitimacy of the election that brought Mr. Manigat to power, but has said it would deal with his government.

The State Department's Human Rights Report, submitted to Congress Wednesday, blamed the armed forces for the death of 34 persons during the aborted November elections.

An investigation by U.S. attorneys into drug-related charges against Col. Jean-Claude Paul, commander of the Haitian armed forces' powerful Dessaline Battalion, could further complicate Mr. Manigat's task.

An indictment of Col. Paul could put Mr. Manigat in the same position as Panamanian President Eric Arturo Delvalle, who appears to be incapable of acting against Panama's armed forces chief, Gen. Manuel Antonio Noriega. Gen. Noriega was indicted last week by two Florida grand juries on drug-related charges.

Stephen Cook, executive vice president of Edelman Public Relations, said he had forwarded a plan to Haiti on Wednesday aimed at improving the nation's image and getting aid resumed.

"We traveled to Haiti, were there during the inauguration and gave them the plan yesterday," Mr. Cook said.

A spokesman for Miner, Fraser and Gabriel said the company was negotiating a contract with Haiti.

"If Manigat wants to gain independence from the military, he needs our conditions stated to him both publicly and privately," a source close to the administration said.

Officials fear a repetition in Haiti of events in Panama, where Nicolas Barletta was brought to power in elections rigged by the military and forced to resign a year later when he attempted to chart a course independent from the armed forces, the source said.

The officials and sources said among the conditions being considered are:

An attempt to bring opposition leaders into the Cabinet.

Early legislative elections.

Development of an independent police force.

A program to professionalize the armed forces.

BLACK HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. STOKES] is recognized for 60 minutes.

Mr. STOKES. Mr. Speaker, it is an honor to reserve this special order this evening in commemoration of Black History Month. I want to thank those colleagues who have joined me this evening to participate in this commemoration.

As we celebrate Black History Month, the logical question asked is why do we celebrate Black History Month? When we look at America's history, we can find thousands of books offering information on the subject; yet in many of these books the history of blacks in America is either omitted or receives only cursory coverage. Moreover, in many of our Nation's schools contributions made by blacks to our Nation are only reviewed during the 28 days of February.

Black Americans have a magnificent history, a history which is inherently woven into the economic, social, cultural and political fabric which distinguishes our Nation from all others. Therefore, until we commit ourselves to acknowledging this historical fact, the black men and women who have made great contributions to our Nation's progress, our Nation will never be able to realize the basic tenet of our democracy, which is that all men and women are created equal. In 1926, the late Dr. Carter G. Woodson clearly understood that black Americans were not receiving recognition in history for their contributions. This occurrence disturbed him deeply. He once said that a race without a recorded history "becomes a negligible factor in the part of the world. It stands the danger of being exterminated."

Therefore, he proposed the idea of setting aside one week of each year to commemorate the achievements of black Americans.

Mr. Speaker, in light of the lateness of the hour, I want to defer further remarks on my special order and begin yielding to some of my distinguished colleagues who have other engagements this evening.

Mr. Speaker, I yield to the distinguished gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Mr. Speaker, it is a great privilege for me to join my colleagues in commemorating Black History Month. Because the late Dr. Carter G. Woodson had the foresight and perseverance to establish, in 1926, the Association for the Study of Negro Life and History, his dream, to inspire in blacks, themselves, a sense of racial pride and a knowledge of the rich heritage as a people, and to provide other Americans with an opportunity to learn, recognize, accept, and appreciate the role blacks have played in the development of this great Nation, continues to be realized each year.

The State of North Carolina has officially designated February as Black History Month and each year this designation results in numerous activities: workshops, seminars, speeches, exhibits, and celebrations sponsored by schools, colleges, universities, and religious and social organizations throughout the month. The celebrations, Mr. Speaker, really begin on January 15, the birthday of Dr. Martin Luther King, Jr., and continue throughout the month of February. I look forward to participating in many of these celebrations. Each celebration adds to my book of knowledge and jogs my memory again and again that the goal we all are working for is peace and justice for all Americans.

Many extraordinary contributions continue to be made by blacks in North Carolina and I am proud to bring to your attention a great American, born in eastern North Carolina, now a part of my congressional district, Rosindale in Bladen County. George Henry White, the last black to serve in Congress from North Carolina, was born on December 18, 1852, and attended the public schools of Bladen County. He graduated from Howard University in 1877. He studied law and was admitted to the bar in 1879 after which he began his practice

in New Bern, NC. He served as principal of the State Normal School of North Carolina; was a member of the State house of representatives in 1880; served in the State senate in 1884; served as solicitor and prosecuting attorney for the second judicial district of North Carolina from 1886 to 1894; was a delegate to the Republican National Conventions in 1896 and 1900; and was elected as a Republican to the 55th and 56th Congress—March 4, 1897, to March 3, 1901. He was not a candidate for renomination in 1900 to the 57th Congress and resumed the practice of law and became involved in banking. Congressman White died in Philadelphia, PA, on December 28, 1918.

I also salute the hundreds of black Americans who never served in Congress, but whose contributions will be recorded in the local histories of such towns as Trenton and Burgaw, NC. The contributions of these black Americans can never be overlooked or forgotten.

I look forward to the day when black history will be a truly integral part of the study of American history. However, until that day, the Nation's youth—our children—must know and recognize the achievements of black Americans and the major role they have played in shaping this country.

Mr. STOKES. Mr. Speaker, I thank the distinguished gentleman for his contribution.

Mr. Speaker, I yield to the distinguished gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I thank my good friend for yielding to me.

I very much appreciated the gentleman's opening remarks when he quoted from our Declaration of Independence that all men are created equal. I think that is something we always want to remember, not only in words, but as a fact.

We all are proud of our American citizens and, yes, our black citizens, when we take a look not only at athletes, politics, medicine, but every profession in every line of work in the United States, our black citizens are an example to all of us.

There are so many people that we could refer to. As a real young tyke I remember Joe Louis, the great fighter, and how proud he made all of us. It is people like that who have been a real role model and people we have looked to that have made us proud to be Americans.

We have some of our most outstanding students at the military academy, our service academy now, and some of our black students and some of our leading people in our Armed Forces that help to keep this country free and to make this country free. They are a great example to all of us.

We all of us are Americans and I hope before too long we will have a black President, and when we have that then I think we will have achieved as role models and as a people what we can all do as Americans and as one Nation.

So I thank the gentleman for allowing me this time to say a few words, because we want to remember all of our citizens, especially those citizens serving in our Armed Forces and doing such a great job keeping us free.

Again, I thank the gentleman very much for yielding.

Mr. STOKES. Mr. Speaker, I thank my distinguished colleague for his participation and for his excellent remarks.

Mr. Speaker, I yield to our distinguished colleague and friend, the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Speaker, today I am proud to join with my distinguished colleagues in commemorating Black History Month. Indeed 1988 is a historical year for black Americans, especially those living in my hometown, the great city of Chicago.

As many Americans know, not long ago, Chicago suffered a tremendous loss with the death of Mayor Harold Washington. As Chicago's first black mayor, Harold has opened the door for other qualified black administrators to take his place as the chief executive of the Nation's third largest city. As the former congressional Representative from the south side of Chicago, which is formally called the first congressional district in Illinois, it was only fitting that he became Chicago's first black mayor. Any discussion of black political history in Chicago must deal with the south side.

This congressional district has the longest continuous tradition of black representation in the Nation. In 1928, residents of the south side of Chicago elected the first black Member of Congress since reconstruction, Oscar Depriest. In those days, the Republican Party was the party of Abraham Lincoln, and it symbolized freedom for former slaves and their descendants. But as the Democratic Party of Franklin Delano Roosevelt began to promote jobs for working people—black and white—politics in the district began to change.

Eleanor Roosevelt was out among the people and she was showing that she had no personal prejudice. The 19th amendment had just been ratified in 1920, and women had just gotten the vote. I can remember sitting at the dinner table when my mother told my father that she was going to vote Democratic in the next election. My father was so angry—all of us had been Republican as far back as we could remember—that he stood up and told her this was proof that women getting the vote was a major mistake. Later, of course, when the Federal Works Programs created by the Roosevelt administration brought employment to my father, he not only changed his mind, he changed his party registration, too.

A lot of black voters changed their registration, and that was the beginning of the end for Depriest. In 1934, Arthur Mitchell made history when he won that seat. Representative Mitchell was the first black Democrat to serve in the U.S. House of Representatives. Oscar Depriest was to become—so far—the last black Republican with voting privileges to serve in the House.

In 1942, William L. Dawson succeeded Representative Mitchell. Not only did he become the first black Member of Congress to chair a committee—the Committee on Post Office and Civil Service—but he became a political power broker in the city of Chicago. He was a ward committeeman and the leader of the black faction of the vaunted Chicago Democratic machine. While he endorsed civil rights measures promoted by leaders such as A. Phillip Randolph, he was firmly committed to working within the system. He viewed his real role as providing patronage jobs and democratic nominations to his political supporters, again a tradition in Chicago. He retired in 1970, and died at the age of 84.

He was succeeded by Ralph Metcalfe, a one-time Olympic sprinter. Ralph was elected as a machine man too, however, he soon broke with the machine over the alleged beating of two black dentists by a Chicago policeman. When Mayor Daley refused to come to Congressman Metcalfe's office to discuss the matter, the independence of the south of Chicago from the machine was insured.

Despite being one of the most Democratic congressional districts in the Nation, in 1984, it was the most Democratic, voting 95 percent for the Democratic ticket and only 5 percent for Ronald Reagan. But in 1972, there was significant ticket-splitting, as machine-backed candidates lost to liberal, reform Republicans. In 1978, however, Metcalfe died, and the machine temporarily retained the seat by appointing Bennett Stewart. Even then, the community rebelled, and an upstart reform Republican got 41 percent in the general election. In the next primary, the independent forces nominated Harold Washington, another former machine-elected official. Harold, a supporter of Metcalfe, was a seasoned Illinois State senator, and had been a founder of the Illinois legislative black caucus. He won a four-way primary with nearly 50 percent of the vote; Stewart finished a distant third with less than 20 percent of the vote.

Harold Washington, of course, is most famous for becoming Chicago's first black mayor. That victory was made possible because he was an elected official with strong ties to both the

black community and the independent political movement. His insistence on political reform and his advocacy of civil rights and fairness for all are what enabled him to lead a multiracial coaliton that captured city hall. Despite the intense opposition that he encountered, he opened city hall for all the people of Chicago in a way that had never been done before. It was just before his death, however, that he was finally beginning to control the reins of city government. The dreams and ideals that Harold helped champion were not limited to Chicago.

The movement and evidence of its far-reaching effect can be seen right here in Congress. Our own colleague, Congressman MIKE ESPY, is a beneficiary of the type of reform politics that Harold pushed for. The success of Mayor Wilson Goode in Philadelphia is another example of this movement at work. Indeed, Harold has left a proud and brilliant legacy with which we can work with and build upon.

I was the next person elected to follow in this illustrious line of elected officials. While I feel honored to be a part of this historic line of representation, I believe that it will be best if I let history be my judge. In any event, in some ways history has already been made. Before being elected to Congress, I spent my life working in the labor movement. I was one of the founders of the coalition of black trade unionists [CBTU] and was an international vice president of the United Food and Commercial Workers and international vice president of the Illinois State AFLC-CIO. I am the highest ranking trade unionist ever elected to the Congress, and I view my role as a Representative of working people, and for people who want to work.

Black Americans have much to be proud of during this Black History Month celebration. I salute not only my predecessors and the meaningful contributions they have given our great Nation, but also their legacy—a legacy which is benefiting the entire Nation. And while February is the time set aside for celebrating black history, in fact it is a continuous event that each of us should celebrate each and every day in American society.

Mr. STOKES. Mr. Speaker, I yield to my distinguished friend and colleague, the gentlewoman from Cleveland, OH [Ms. OAKAR], with whom I share the representation of Cleveland, OH.

Ms. OAKAR. Mr. Speaker, I thank the dean of my delegation for yielding and compliment him on having this special order.

Mr. Speaker, I think of so many contributions to the development of our Nation, and as a woman I am especially pleased to note some of the heroines that I have come to know through history, Sojourner Truth, Harriet Tubman, and Rosa Parks come to my mind. They were the ones, Tubman and Truth, who led hundreds of slaves to freedom along the Underground Railroad, which coincidentally did come through Cleveland, OH; as a matter of fact, in my own neighborhood where I was born and raised.

Of course, all of us think of Dr. Martin Luther King. I think of him really as being very much alive today, because I think Dr. King's wisdom and example and action in promoting a nonviolent approach toward peace and human rights was what we needed not only in our own country, but indeed throughout the world.

So the legacy of black Americans indeed has been with us since revolutionary times in this country.

But I want to talk a little bit briefly about my city of Cleveland. As you know, a lot of times you hear of the civil rights movement being focused on the South; but frankly, black achievement is not confined to just the cities of the South. The city of Cleveland has always been proud of its contributions. Although many of us are familiar with the great Jackie Robinson, the Cleveland Indians outfielder, Larry Doby, was the first black in the American League. He went on to become a league manager.

□ 1830

In the literary community, Clevelander Charles Chesnutt became one of the first black novelists, paving the way for growth among other aspiring writers. In 1915, the Playhouse Settlement, later called the Karamu House, opened its doors as a center devoted to the field of the fine arts and the development of the potentialities of black Cleveland artists. The Karamu Players continue to present exciting theatrical productions of the finest quality, and Cleveland continues to bask in the glow of this historical company.

Politically speaking, Cleveland has been in the forefront of black civil rights, and much of this is due to the efforts of the Stokes brothers. In 1967, Carl Stokes became the first black American to be elected mayor of a major city. He is now a respected judge on the municipal bench in Cleveland.

His brother, and my friend and colleague, LOUIS STOKES, made history when he became the first black American in Ohio to win a seat in the U.S. House of Representatives. As dean of the Ohio delegation, he has faithfully served his city and the Nation as a whole for the past 20 years.

Black History Month is a time to honor all those who have enhanced America's dreams of freedom and equality, and I commend my colleague from Ohio for his leadership in organizing this special order on its behalf.

I think as Americans we look forward to enhancing the great American dream of freedom and equality not only for our own people but for the entire world.

Mr. Speaker, I want to compliment my good friend and colleague, the gentleman from Ohio [Mr. STOKES], for his leadership and say to him and to my distinguished black colleagues in the House of Representatives what a wonderful example they are to the youth of today. I do not know if my colleagues realize how important their representation is to so many young people. I know this is especially true in the case of Carl and LOU and others in greater Cleveland, so I hope that we not only will commemorate this great sense of history this month but indeed throughout the year.

Mr. STOKES. Mr. Speaker, I thank my distinguished colleague, the gentlewoman from Ohio [Ms. OAKAR], for her very warm and generous remarks and for her participation in this special order.

Mr. Speaker, I am delighted to yield to my distinguished friend and colleague from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, I thank the gentleman from Ohio [Mr. STOKES] for yielding me this time. I congratulate my friend and colleague from Ohio for taking out this special order and giving us in the House of Representatives an opportunity to participate in Black History Month.

When we think about history, it is not just a beautiful story that someone would want to tell but is a story to tell us where we have been and to inspire us to bring out the best in us either as a person, as a people, or as a nation to do better. That is why I believe it was such a cruel hoax to play on the slaves who helped to build the economy of this country to really cut out as a part of American history the history of black folks in this country. It had such a damning effect that when I was a kid on the streets of Lenox Avenue in Harlem, to call someone an African or to call someone black was an insulting remark because we only had the images that were given to us in the Tarzan movies and we had to rely on our families to fill us in on the rich traditions of where we had been.

Sometimes when we have seen the St. Patrick's Day parade, or the Jewish parades, or the Polish parades, black folks always felt that we were the only people in this great Nation that really had no place to send a Care package, had no hometown that we could visit or would want to take our parents and our grandparents to. That is why it is so important that we as a people share our rich heritage not only with our families and our communities but with this entire country so that we can bring out the strength of Americans, not just for their love and affection for America, because we

have demonstrated that by pouring our blood on every battlefield that our country has been involved in, even when German prisoners were being treated better as prisoners of war than the warriors who made it possible for us to win in World War II. But I think that we all will have to agree that no matter how much one loves their home country or where their forebears came from, that they are better Americans because they understand the strength of their people and I think that as we tell black and white kids alike how great black warriors have been as scientists and educators that we make our small contribution to the great history of this country, and I think that because we have this time to share these feelings, that this record will be straight as completed by Members of Congress.

Mr. STOKES. Mr. Speaker, I thank the gentleman from New York [Mr. RANGEL] for his very fine remarks.

Mr. Speaker, I am happy to yield now to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I am proud to join my colleagues in the House in commemorating February as Black History Month.

The United States recently observed the national celebration of Martin Luther King, Jr.'s, birthdate. I was a proud cosponsor of the resolution which established Dr. King's birthday as a national holiday. But, Dr. King is not the only black achiever in America's history. Far from it.

The contributions of black citizens to our Nation are legion, and it is fitting that a month be set aside to recognize these many and significant achievements.

In 1926, Dr. Carter G. Woodson—known as the father of black history—established Negro History Week because he recognized the importance to all men of publicly acknowledging the history, achievements, culture, and current status of black people. In 1976, during the Bicentennial celebration, this week was extended to a month.

We in Louisville and Jefferson County, KY, which I am privileged to represent in Congress, can boast many individuals who deserve to be recognized during Black History Month.

But, there is one person who is preeminent in his fields of endeavor and who is particularly fitting for recognition: Dr. Lyman Johnson.

I have included, at the end of my statement, a biography listing Dr. Johnson's complete accomplishments and honors. A few deserve special mention here.

Dr. Johnson is a graduate of Virginia Union University in Richmond, VA—class of 1930. He went on to receive his advanced degree from the University of Michigan at Ann Arbor.

Dr. Johnson then moved to Louisville where he began a distinguished career in education in the community. For 33 years, he taught at Central High School and for 7 more served as assistant principal in other schools.

In addition to his role as an educator, he also became an important leader in civil rights activities. In fact, Dr. Johnson served as the president of the NAACP on four separate occasions. He was a plaintiff in a Federal court action which opened the University of Kentucky to black students.

Even today, at age 81, he is still active in our community, and is currently serving his fourth year on the local human relations commission.

Dr. Johnson is truly a remarkable man, and I am proud to have this opportunity to recognize his lifetime achievements. I can think of few others who have done so much to help us make progress in erasing the inequities and injustices in our society.

Mr. Speaker, I include for the RECORD the biography of Lyman T. Johnson:

On May 13, 1979, Lyman T. Johnson was awarded the Honorary Doctor of Letters from the University of Kentucky. That proud day culminated the career of a man whose life has spanned 74 years, 40 years of dedicated teaching service, and hundreds of awards and citations. He has felt and fought discrimination and hatred. And he has mounted and won battles for human rights many times over the last 50 years. If nothing else, Lyman Johnson is a survivor.

Born in Columbia, Tennessee on June 12, 1906, Mr. Johnson attended Columbia Public Schools and Knoxville College Academy. His hard work and dedication at Virginia Union University earned him high marks and an A.B., majoring in Ancient Languages, History and English. Graduate work at the University of Michigan resulted in a M.A. degree in History and Political Science. He has completed additional graduate work at the University of Wisconsin, University of Kentucky, and Union College.

He joined the Louisville Public School system in 1933. In 1936, Mr. Johnson married the former Juanita Morrell. At Central High School he served as a teacher of social studies, chairman of the social studies department, athletic and business manager, and faculty sponsor of Youth Speak, Inc. for over 33 years. He also served as Assistant Principal at Flaget High School. In addition, he had been a part-time instructor at Kentucky State University and Spalding College.

His role of social activist has led him to be the plaintiff in a Federal Court Action against the University of Kentucky. His suit was instrumental in opening the University to black students. Also, he was a major plaintiff in the Federal Court Action for "merger and desegregation" of Louisville and Jefferson County Public Schools.

Mr. Johnson has been a member of many social and professional organizations including the American Federation of Teachers, the Kentucky Education Association, U.S. Selective Service Board, NAACP, Kentucky Commissions on Corrections, Louisville and Jefferson County Community Action Agency; the Board of Governors of General Hospital, Urban League and the Kentucky Civil Liberties Union. He has served in a leadership role in almost all of them. He served as President of the Louisville Branch NAACP for a total of 7 years over periods starting in 1943.

His list of awards and citations is entirely too long to publish in this program. But, among them are honors from Louisville Mayors Kenneth A. Schmied, 1969; Frank W. Burke, 1970 and 1973; and Harvey I. Sloane, 1977; Jefferson County Judge L.J. Hollenbach, 1977; and Kentucky Governors A.B. Chandler, 1956; Wendell H. Ford, 1972; and Julian Carroll, 1978; the University of Louisville, the University of Kentucky; and Bellarmine College.

Mr. Johnson's accomplishments over the years have given him much satisfaction and happiness. He remains an integral part of the education system in Jefferson County and the State of Kentucky.

He currently resides at the J.O. Blanton House, 850 W. Muhammad Ali Boulevard, in western Louisville.

Mr. VISCLOSKY. Mr. Speaker, will the gentleman yield?

Mr. STOKES. Mr. Speaker, I am happy to yield to the gentleman from Pennsylvania [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Speaker, I would like to commend and thank the gentleman from Ohio for setting aside time today for this special order recognizing Black History Month.

The history of blacks in America is a far-reaching and rich one that should not be overlooked. Black History Month affords all Americans the opportunity to pay tribute to black Americans whose, struggles, sacrifices, and achievements have helped to build this great country.

People such as Harriet Tubman and Nat Turner revolted and fought against the established order and risked their lives so that others could gain their freedom.

Benjamin Banneker, an 18th century astronomer, mathematician, and mapmaker made many important contributions and was known as the "Black Ben Franklin." During the late 1700's and early 1800's Jupiter Hammon and Phillis Wheatley were recognized for their outstanding contributions in poetry. After the Civil War, black Americans continued to explore and advance in areas where they had been previously excluded.

In this century, we celebrate the achievements of the distinguished Shirley Chisholm, the first black woman elected to Congress; Adam Clayton Powell, Jr., who for six years chaired the House Education and Labor Committee; and Andrew Young, the first black Ambassador to the United Nations.

The arena of public service represents only one peak where black Americans have reached great heights. In the field of medicine Dr. Charles R. Drew helped save thousands of lives during World War II by developing the first blood plasma bank. It was Dr. Daniel Williams, a black surgeon, who was the first American to perform a successful operation on the human heart.

The music world is also an area where black Americans have made memorable contributions. Talented musicians and singers such as Louis Armstrong, Ella Fitzgerald, Billie Holiday, Thelonius Monk, and Stevie Wonder have added to our culture with their incomparable style of music and song.

And in the world of sports, athletes such as Henry Aaron, Wilt Chamberlain, Althea Gibson, and of course more recently, Doug Williams, have proven their talents with their extraordinary physical and mental capabilities, power, and grace. Record books and sports fans everywhere will always remember these and the thousands of other athletes who have practiced long and hard to attain their goals.

Finally, the observation of Black History Month would not be complete without mention of those who sacrificed and fought to gain equality and justice for all. Who can forget Rosa Parks, who, in December 1955, refused to give a white man her seat on a bus in Montgomery, Alabama. Her action prompted a year-long protest that ultimately resulted in the abolishment of a segregation statute.

The courage, strength, and leadership of others such as A. Philip Randolph will always be remembered and respected for their dedication to the civil rights cause.

The struggles, perseverance, and leadership of one man in particular, the Reverend Dr. Martin Luther King, Jr., is indelibly etched in the minds of all Americans. Dr. King's valiant struggle to achieve equality was a nonviolent one in which strength through numbers, dignity, and discipline were stressed. We will be forever grateful for his achievements.

Too often the accomplishments, talents, and contributions of black Americans have been overlooked. During Black History Month we should work to ensure that the lessons of history are not forgotten and that the success of those we recall today will be remembered as but the first light of a new dawn in black achievement across our land.

Mr. STOKES. Mr. Speaker, I thank the gentleman from Pennsylvania for his contribution.

Mr. Speaker, I am pleased to yield to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, first I would like to thank my distinguished colleague from Ohio, [Mr. STOKES] for organizing this special order on Black History Month. Mr. STOKES has made us all proud, most recently by his contribution to the Iran-Contra hearings. He clearly and articulately said what many Americans were thinking about this sad episode in American history. I am proud to participate in this special order.

Recognizing the history of black people in the United States is important, for the impact of black people on the growth of America is immeasurable. This has certainly been the case in San Francisco, from the late James E. Stratton, the first black president of the San Francisco Board of Education who made great strides in improving the educational system in San Francisco, to the current leadership of blacks which has had a positive impact on millions of lives in the State of California as well as on the national scene. And from my native city of Baltimore, I must recognize the contributions of Clarence and Juanita Mitchell who worked with my family over the decades for the human and civil rights of blacks. Yet the history of black people in America has been a painful history.

Which brings me to the point of what I believe Black History Month is all about. All Americans must be made aware of what blacks have experienced in this country for the past 300 years. We must remember not only the contributions of people like George Washington Carver to the advancement of the United States, but also the blacks' bone-weary struggle for equality that continues today in 1988. Black History Month, then, is a vehicle for focusing on the past, present, and future of the black fight for social justice in our country. It cannot be forgotten that this fight is far from being over. One need only look at the small number of blacks in positions of authority in the United States or the inordinately high unemployment rate among black teenagers to see that the fight must be continued.

I am pleased to be invited to serve as a member of the Black Caucus. Working with the caucus in Congress I hope that as a fitting legacy of Black History Month we can pass legislation for an economic agenda which provides job opportunities for all Americans, provides education to benefit all of our children and guarantees them quality health care. In celebrating Black History Month, let's let people of all colors know that the struggle continues today and that it will not be over until all black people gain an equal footing in American society.

□ 1845

Mr. STOKES. Mr. Speaker, I thank the distinguished gentlewoman from California for her contribution and participation in this special order.

Mr. Speaker, I am pleased to yield to the distinguished gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. Mr. Speaker, I would like to thank the gentleman from Ohio for reserving this time to commemorate Black History Month, a special time we set aside to recognize and celebrate the heritage, achievements, and contributions of black Americans in the development of this Nation.

While the history of black Americans should never be separate and apart from the other major historical events of this country's evolution, celebrating black history during the month of February is an attempt to focus on the events, the people, and the places affecting black Americans that traditional education has overlooked.

I pray for the day when black history will become so inextricably woven into the minds of our young people that we will no longer need to call it "black history," but America's history. Today, however, we must draw special attention to the accomplishments of black Americans so that one day students will know that just as Paul Revere rode through the night to warn settlers that the British were coming, Crispus Attucks, a black man, was the first American to die in the Revolutionary War. They will know, not only about Abraham Lincoln's Emancipation Proclamation, but about Harriet Tubman and Sojourner Truth's lifelong dedication to bring about freedom for their brothers and sisters.

The list of black Americans who deserve to be in the history books of this great Nation is endless. Their contributions are found in all segments of society: education, public service, science, medicine, arts, sports.

I, however, would like to focus today on the achievements and sacrifices made by a special group of black Americans; those born and raised in my home state of Mississippi. Many of these great Americans made it possible for me to be here today. They involved themselves in activities which caused them emotional and financial stress; they risked their lives; they died in order to ensure justice and equality in this country.

A year ago, it took me only about 10 seconds to stand in the well on this House floor, place my left hand on the Bible, raise my right hand to Almighty God and swear to uphold and defend the Constitution of the United States. It only took about 10 seconds for me to utter those words which would convey the privilege of membership to this body and become the first black Congressman from Mississippi since Reconstruction. But we all know that in reality it took us generations to get here.

I believe my election to Congress is one solid indication of the change that has begun in Mississippi. We are still far from the dream Dr. King revealed in 1963 when he spoke of a Mississippi transformed into an oasis of freedom. But I can see a change in the eyes of my children and other children, black and white. They recognize a change has come to our State.

So when I give speeches to young students in Mississippi I tell them about Fannie Lou Hamer, a black Mississippian. She was sick and tired of being sick and tired. Though beaten in the jails of Mississippi, she always got up and kept moving forward and pushing and doing the kind of things that she knew had to be done.

The daughter of sharecroppers from Sunflower County, MS, she shook the conscience of America at the 1964 Democratic National Convention in Atlantic City with her testimony before the credentials committee about beatings she had suffered because of her attempts to register herself and others to vote. Ms. Hamer later ran for the congressional seat which I hold today and for the Mississippi Senate. She helped to establish several self-help projects in the Mississippi Delta as well.

I tell the young people of Mississippi about Medgar Evers, who as president of the State NAACP chapter, struggled to work peacefully with everyone in his efforts to improve the quality of life for all Mississippians. Knowing that he would be killed one day, he kept pushing forward while looking down the barrel of an assassin's rifle.

And there are so many others. So many anonymous faces and names; people who bied and toiled and died and struggled just so we would have the right to be here. And we pay homage to them as well, countless thousands of our heroes, some whose names we don't know.

There is one name I would like to mention, an 85-year-old woman named Annie Lee Tidwell. I think she was a heroine in her own right.

She has her own story to tell. She lived in a small town in Mississippi called Grenada. On the day of my election in 1986, she was too sick and ill to get out of bed. I am told that she voted by absentee ballot and, as she signed her name for perhaps the last time, she said some things that will be forever etched in my mind. Rosie Tidwell died that night.

She said:

You tell that young man I hope he wins. You tell that young man that I hope my vote will count. You tell that young man that I want him to go up there to Washington and do us some good.

Do us some good. Do us some good. Now that's really what it is all about. We must keep that command—do us some good—constantly before us.

This is the challenge to young blacks today who will one day find their place in the history books of America. They will be there not because they are black, but because they contributed to our society. Until that day, I will continue to salute those black Americans who took bold and decisive steps to enrich the lives of all Americans.

Mr. STOKES. Mr. Speaker, I thank the distinguished gentleman from Mississippi.

Mr. Speaker, I am pleased to yield to our distinguished colleague, the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Speaker, I am pleased to join my colleagues today in commemorating Black History Month.

I come from the Detroit area, was born and raised in Detroit. Black history there is everywhere one walks, where one goes out to Belle Isle in the homes we visit. It is all there in a sense at our fingertips, but it is often forgotten, and in Black History Month, the purpose of it is to remind us, and it serves a number of purposes.

First we recall black Amerians' past struggles for freedom and equality. Also we celebrate the achievement of the black pioneers who blazed the first trail in their respective fields. And further we rededicate our resolve to overcome the struggles they have had for improved race relations and economic advancement.

Because of their enslavement black Americans confronted far more obstacles to equality than any other minority group in our country's history. This is a fact we must always remember. In 1849 Harriet Tubman, known to her people as Moses, turned or at least tried to turn obstacles into opportunity, an opportunity for freedom. She brought together northern abolitionists as well as other freedom fighters and was instrumental in laying the tracks for the underground railroad, as we know. Many came North, and many stayed in the South, and we commemorate black history today throughout this country.

In my lifetime in Michigan there are so many events and people to commemorate that I think that I will just mention a few. The Paradise Theater, the music that resounded in that hall, now through the efforts of the citizens we have saved it so that the music can continue to ring as it did there in the forties by black musicians. Joe Louis, who is a hero not only to black Americans but to, I hope and I think, millions of white Americans as someone who came from Detroit and represented the struggle forward.

Talking about music, the bringing forth of Motown from the homes and the talents of Detroiters should be mentioned, and in recent times with the breakthrough politically of blacks within Michigan, I think all of Michigan, in the election of a former colleague of mine in the State senate, Coleman Young.

There are many other events and people that should be mentioned. I will not because of time and the fact that others are waiting.

Let me close by saying we commemorate Black History Month as we look to future priorities at home. Economic advancement and improved race relations must top the agenda. And abroad our fight to end apartheid in South Africa will never cease, our resolve never diminish, so let us use this period appropriately both to celebrate and also to rededicate.

Once again I thank my colleague and my friend, Mr. STOKES, from the neighboring State of Ohio, for making this special order possible.

Mr. STOKES. Mr. Speaker, I thank my distinguished friend from Michigan for his excellent contribution to this special order.

Mr. Speaker, I am pleased to yield to my distinguished friend and colleague, the gentleman from Maryland [Mr. HOYER]. The gentleman from Maryland each year has his own very special celebration in honor of Black History Month when he has all of his constituents in Maryland come down to the House here, and they enjoy a beautiful breakfast with excellent participation, excellent speakers, and I have had the privilege of participating over several years. So I am pleased to yield to my distinguished friend.

Mr. HOYER. Mr. Speaker, I am pleased to join my colleagues in commemoration of the vast contributions black Americans have made to our country. I am particularly grateful to my good friend LOUIS STOKES for organizing this special order.

Black History Month is a celebration and commemoration by our Nation's black population and rightfully so. It is, however, a celebration for all Americans. Black history is America's history. The people, places, and events that you have heard about and will hear about are the history of America made by Americans who happen to be black.

While recognizing inspirational Americans such as Dr. Martin Luther King, Benjamin Banneker, Shirley Chisholm, and others, it is important to reflect on the goals and dreams which flourished in these leaders. The making of a legend is based on his or her belief of freedom, peace, and love for all.

It seems, at times, that we forget the reason for this celebration of black history, concerning ourselves with the present and immediate future, giving only a moment of thought to the achievements of the past. During this month we acknowledge those achievements and celebrate those that have bounded forward in their beliefs for our future as a peaceful human race.

In tracing American history, it may not be evident to some the vast impact black Americans had in developing our new world. During the violent era of European exploration, black slaves, seamen, and servants played an important role in American history. Few, however, of these heroes are given the recognition they deserve.

Black explorers played a significant role in Western expansion. One such man was Jean Baptiste Pointe Du Sable, who traveled through the Louisiana Territory and explored the Great Lakes. He established a trading post at the mouth of the Chicago River which eventually developed into a frontier settlement. This settlement grew into a city, Chicago. We now recognize that the first white man in Chicago was really a black man.

The adventuresome spirit of the frontier attracted many adventurers. The freedom of the frontier attracted John P. Beckwourth, a black explorer, who, in 1850 risked a tricky passage through the Sierra Nevada—now the Beckwourth Pass. He eventually settled with the Crow Indians, and dedicated his life, with hope and energy, to pioneering in the West.

We also know that blacks participated in every war beginning with the American Revolution and the death of Crispus Attucks in the Boston Massacre. We as a country should ask ourselves why did they participate. In at least four of our wars blacks were slaves. In others, they were discriminated against in every facet of American life, including in the service of their country. And finally, there were still problems during the Korean and Vietnam conflicts.

We must assume that they believed in the American dream. They believed unlike all other Americans, a dream that was truly only a dream for them. They gave their lives in order that all of us could be free without any assistance that black Americans would benefit from the sacrifices they made.

Today we celebrate these men, men with hopes and dreams for the future, futures in which they have participated, and a world for which they have pioneered and fought. Their determination and their faith in God was their strength; this led to achievement. We can commend these black Americans, but more importantly, we can learn from them. We can learn from their sense of adventure, determination, commitment, and their willingness to take risks.

These men and women were courageously persistent. It was Dr. Martin Luther King who said:

> Without persistent effort, time itself becomes an ally of the insurgent and primitive forces of irrational emotionalism and social destruction. This is no time for apathy or complacency. This is a time for vigorous and positive action.

We all recognize that our Nation is facing some serious challenges. These black Americans and the others that have been and will be mentioned by other speakers have led by example.

It is now our time to act. We must strive to keep the dreams of these black Americans alive. Through their inspiration and our sincere efforts and commitment, we can take steps to make their dream a reality, and reward ourselves and this Nation in the process.

I want to thank Mr. STOKES again for organizing this special order.

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Mr. Speaker, I thank the gentleman for yielding to me this time.

Mr. STOKES. Mr. Speaker, I thank my distinguished colleague and friend, Mr. HOYER, for his very eloquent statement.

Mr. Speaker, we appreciate his participation.

I am pleased now to yield to my good friend from the Virgin Islands, Mr. DE LUGO.

Mr. DE LUGO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this month, the U.S. Virgin Islands has joined in the national celebration of Black History Month, when we recall the contributions of black people who have helped build this Nation. In our schools and university classrooms and discussion in the media, our people have been making their history come alive again.

For in this U.S. territory—where roughly 80 percent of the population is black West Indian—our history is rich with accounts of people who have overcome adversity, who have achieved great things, and who have used their talents to reach their ambitions and enrich their community.

In recalling this history, we are finding new inspiration for achievements in business, government, academia, the arts and every facet of society. In recalling this history, we also are educating a new generation of Virgin Islanders who are setting their goals and looking for their place in our society.

In the U.S. Virgin Islands, our modern political history has been a story of progressive movement toward self-government. That has been a story of our native West Indian people taking over the institutions of their own society as we have moved from our position as a Danish colony until 1917 to our current status as a largely self-governing territory.

Black history in the Virgin Islands also is the story of the blending of cultures from Africa, Europe, the United States, and the entire Caribbean. In recent decades, the Virgin Islands has become a magnet for West Indians from throughout the Caribbean. They have come by the thousands from Tortola, St. Kitts, Antigua, St. Martin, Guadeloupe, and every other island in the region. They have made tremendous contributions to our economy, our culture, and our society. And many of them are now coming into their own, becoming full U.S. citizens and successful enterpreneurs. When future generations look back at the recent history of the Virgin Islands, they will see it as a period of creative blending of black Caribbean histories and cultures.

Mr. STOKES. Mr. Speaker, I thank my distinguished friend from the Virgin Islands for his contribution to this special order.

Mr. Speaker, earlier on in my remarks I made reference to Dr. Carter G. Woodson.

Mr. Speaker, considered by many to be the "Father of Negro History," Dr. Woodson was one of nine children. His parents had been slaves. As a youth, he had neither money nor opportunity to attend school. So, he was not able to complete high school until he was 22 years old. Despite the hardships faced by Woodson during his early years, he went on to finish Berea College in Kentucky. Later, he went to the University of Chicago, where he received a bachelor's and master's degree, and in 1912, he received a Ph.D. from Harvard University. Born in poverty and having worked as a coal miner, Dr. Woodson was undaunted by strife and struggle; and, he achieved his accomplishments the hard way—the same way that so many great black Americans have had to come.

In 1915, Dr. Woodson almost singlehandedly created the Association for the Study of Negro Life and History and the prestigious Journal of Negro History. Not content with these achievements, he ventured into the field of mass education, initiating the observance of Negro History Week, which in 1976 was changed to Black History Month.

Today, let us take a few minutes to acknowledge those accomplishments by black Americans which are too often forgotten, or which are unknown.

First, let us remember those black persons who fought and died for America. Last summer, during the Iran-Contra hearings, I had the opportunity to remind Lt. Col. Oliver North that he is not a lone soldier in our country's fight for freedom, and that there were others who had made major sacrifices for this country. People like Oliver North help to create the distortions which have helped to leave most Americans oblivious to the contributions made by blacks in the defense of their country.

When we take a close look at history, we see that, from the very beginning, black Americans have fought in our country's battle for freedom. At least 5,000 blacks joined the fight to free this Nation from the grip of British control. In fact, during the Revolutionary War, Crispus Attucks, a black man, was one of the first soldiers to give his life for freedom.

In World War II, our country took its first step toward moving away from the discriminatory practices of consigning the black soldier to segregated labor battalions. In 1940, Benjamin O.

Davis, Sr., became the first black general to serve in the U.S. Army. And today, I am proud to recognize that distinguished 50-year career of General Davis who, during his life time, served in the Spanish-American War, World War I, and later served as an instructor of the 372d Infantry of the Ohio National Guard in Cleveland.

During the years preceding World War II, the military had candidly rationalized its racially discriminatory practices with pronouncements which endorsed the notion of black inferiority. The appointment of General Davis marked a move by President Franklin Delano Roosevelt to enhance and increase the participation of blacks in the Armed Forces. At the beginning of the start of the selective service, less than 5,000 of the 230,000 men in the Army were black, and there were only two black combat officers. By the time World War II approached an end, approximately 880,000 black men and 4,000 black women had served in this war.

One of the most notable contributions made by an American soldier during this war occurred when Dorey Miller, a black mess stewart in the then segregated U.S. Navy saved his fellow crew members from certain death on the U.S. battleship *West Virginia* docked at Pearl Harbor. When the Japanese began their surprise attack on Pearl Harbor, Dorey Miller came up from the mess hall, manned artillery and singlehandedly shot down two Japanese airplanes.

A few years after this war, as our Nation worked to maintain world peace, it was the negotiation efforts of Ralph Bunche which led to an armistice between the Arabs and Israelis in 1949. For his efforts, Bunche won the Nobel Peace Prize in 1950.

Orphaned at the age of 13, Bunche went on to win the Phi Beta Kappa key, and was the first black to receive a Ph.D from Harvard University's Government Department. In later years, he helped to author the United Nations Charter, and then went on to be an international civil servant of the highest rank when he joined the United Nations Secretariat.

Despite the contributions made by blacks in World War II, the institutionalized Jim Crow practices within the military did not officially end until after the Korean war. In fact, during the Korean war, it was the U.S. Army's last all black 24th Infantry Regiment which was the principal force behind the United Nation's initial victory over the North Koreans at Yechon, one of the roughest and bloodiest encounters of the entire conflict. Dispite their vital contributions, military records characterize their contributions as poor.

Today, now that the branches of our Nation's military are no longer segregated, black Americans are receiving acknowledgment for their contributions. For instance, Lt. Col. Guion Bluford, was the first black astronaut to fly in space aboard the space shuttle, *Challenger.* And, 2 years ago, black astronaut Ron McNair gave his life as the *Challenger* attempted to make another journey into space.

Black Americans have fought many other battles and have helped to pioneer may other frontiers. When we look at the pages which preface the creation of our democracy, we see how black slaves, beaten and shackled, plowed, seeded, and harvested our Nation's fields.

In looking at the early years of our Nation's history, we also see how Frederick Douglass, Sojourner Truth, Nat Turner, and John Brown had to work to free their black brothers and sisters in slavery. Harriet Tubman helped to free over 300 slaves via the underground railroad. Tubman often told slaves—you will be free or you will die. White slave owners were so afraid of Tubman, they had a $40,000 price on her head in the 1800's.

Almost a century after our Nation had tired of and ended slavery's tyranny, Dr. Martin Luther King, Jr. entered the civil rights horizon as one of history's premier advocates for equal rights. Dr. King was the champion of the civil rights movement in the 1950's and 1960's. Armed only with his principle of nonviolence, Dr. King stirred our Nation's conscience and liberated America from bigotry and discrimination in the same manner that Ghandi liberated India from British control.

The moral and political leadership offered by Dr. King is indicative of a role which often has been assumed by black ministers. The black minister and the black church have played a pivotal role in the development of the black community and America. Some of the major black leaders' political beginnings originate in the black church. Former pastor of the Abyssinia Baptist Church in Harlem, Adam Clayton Powell served in the U.S. House of Representatives; Rev. Jesse Jackson, former aide to Dr. King and president of operation PUSH continues to make history as he seeks the Democratic Party nomination for the Presidency; and Andrew Young, also a minister and former aide to Dr. King was elected to the Congress, and later became the U.S. Ambassador to the United Nations and currently serves as the mayor of Atlanta. And today, in the House of Representatives, we see a number of black political leaders who are also ministers. Walter Fauntroy, Edolphus Towns, John Lewis, and Bill Gray are all ordained ministers.

Black Americans also have made unparalleled contributions in the area of art, entertainment, and literature. From the poetry of Phyllis Wheatly, to the literary genius of Ralph Ellison; from the talented tenor Roland Hayes, to the gifted Leotyne Price, black Americans have excelled in the music and entertainment world.

Taking a close look at black history and the arts, I am reminded of how during the 1940's and 1950's, Paul Robeson, singer, actor, scholar, and athlete was not only the first black, in the history of English theater, to play the leading role of Shakespeare's Othello, but he also played a leading role as an advocate of the oppressed. He challenged the racism of this country to its foundation and compared the struggle of black Americans to that of oppressed people everywhere.

A man of tremendous stature, both physically and intellectually, Robeson is often referred to as the "Black Warrior." Six feet, three inches tall, and almost 220 pounds, Robeson was one of the greatest football players of all time. He also was one of the first blacks ever to attend the prestigious Rutgers University. While attending that university, he won Phi Beta Kappa honors in his junior year, was valedictorian of his graduating class, was a debating champion, and won 13 varsity letters in four sports.

Unfortunately, the significance of Robeson's contributions have never been fully acknowledged. In fact, the experiences of Paul Robeson sadly exemplify the racial bigotry to which some of our Nation's most talented minds have been subjected. Consider, for example, that in the 1940's our Government led a massive campaign to silence him. Labeling Robeson a Communist, our Government revoked his passport and prevented him from traveling outside the United States.

In 1947, at a hearing of the House Committee on Un-American Activities, a Congressman from California asked a star anti-Communist witness how he identified Communists. The witness replied that among the surest criteria for identifying someone as a Communist, would be to observe to see if they applauded at a Paul Robeson concert, or owned a Paul Robeson recording. The record shows the witness was Adolphe Menjou—a prominent film actor; the Congressman was none other than Richard Milhous Nixon.

When we review those pages which outline the history of much of the music originating from our country, we see a predominant black influence. In 1914, W.C. Handy fathered the blues with "St. Louis Blues." Handy and other jazz greats such as Louis Armstrong, Duke Ellington, and Cab Calloway helped to make jazz America's first native music form.

During the 1920's, 1930's, and 1940's, Marian Anderson, the legendary contralto, helped to pave the way for other black classical artists. Born in Philadelphia, PA, Ms. Anderson left the United States to travel throughout Europe during the 1920's and 1930's.

To have stayed in the racially segregated United States during these years would have meant certain death to her career.

However, in 1939, Ms. Anderson returned to this country surrounded by controversy. The Daughters of the American Revolution refused to let her sing at Constitution Hall, the famous concert hall located in our Nation's Capitol. The world was shocked by such conduct. Dignitaries, government officials, journalists, and private citizens rose in protest. After the DAR steadfastly refused to budge, the U.S. Department of the Interior invited her to sing on the steps of the Lincoln Memorial.

On Easter Sunday of that year, Ms. Anderson astounded the Nation, as well as the 100,000 or so persons who gathered at the steps of President Lincoln's Memorial to listen to her sing. When Harold Ickes of the Department of the Interior introduced her, he said: "Genius, like justice, is blind * * * genius draws no color line."

In 1955 Marian Anderson became the first black singer to perform at the Metropolitan Opera, portraying Ulrica in Verdi's "The Masked Ball." Three years later she was named to the U.S. delegation to the United Nations. And, in 1963, President Lyndon B. Johnson awarded her the Freedom Medal.

In looking at the origins of more contemporary sounds, we see that without Little Richard, Chuck Berry, or Chubbie Checker, neither the Beatles, Elvis Presley, nor the Rolling Stones would have been able to help make rock-n-roll what it is today. Consider, for example, that it was Little Richard, who gave the Beatles one of their first breaks by allowing them to tour with him as the opening act.

In the area of the visual arts, many of my constituents in Cleveland, OH, can take pride in celebrating the talents of one of the city's famous, local artists—Malcolm Brown. Malcolm Brown is one of two black artists who are members of the highly prestigious American Society of Watercolorists.

Like the contributions blacks have given to our Nation's art and entertainment, the achievements of blacks in sports are impressively overwhelming. And, just a few weeks ago, black athletes added another page to our Nation's history.

Doug Williams was the first black quarterback to play in the Super Bowl. Williams played an integral role in helping his team win the game and in helping to execute the Redskins' seven record-breaking plays. When interviewed Williams repeatedly said that he went into the game to do his job as a quarterback, not as the "first black quarterback." Also this year, during the winter olympics, Debi Thomas was the first black to represent our Nation in the singles figure skating competition.

In addition to these recent developments, in the area of athletics there has been: Jackie Robinson, Satchel Page, and Hank Aaron in baseball; in tennis, Arthur Ashe, Althea Gibson, Lori McNeal, and Zena Garrison; in track, Jesse Owens, Edwin Moses, Carl Lewis, and Wilma Rudolph; in basketball, Wilt Chamberlin, Abdul Kareem Jabbar, Magic Johnson, and Michael Jordon. And, the list could go on and on.

Outside the area of athletics, blacks have been among the Nation's most respected scientists and inventors. The expression, "the real McCoy" came from Elijah McCoy, a black inventor. Benjamin Banneker produced the first almanac and surveyed the street plans for Washington, DC. Norbert Rillieus revolutionized the refining of raw sugar in the 1840's and some 40 years later, Granville T. Woods patented many electrical and railroad devices. Dr. George Washington Carver, founder of Tuskegee Institute, revolutionized agriculture in the South with his pioneering research on the peanut.

In the area of exploration, Matthew Henson traveled with the Admiral Peary expedition to the North Pole. Henson was the first man to stand, literally, on top of the world. Hensen did the work. But, until recently, Peary was given all of the credit.

In medicine, black men and women have excelled for generations beginning in 1800 with Dr. James Durham, the Nation's first black physician. Daniel Hale Williams, a black physician performed the first open heart surgery. A black woman, Dr. Jane Wright today is one of the most respected cancer researchers in the world.

Dr. Charles Drew developed the first blood plasma bank which saved numerous lives and enabled hospitals to store blood for longer periods of time. The plasma bank he organized in 1938 became the model for the system used by the American Red Cross. Ironically, Charles Drew died because, as a black man, the nearest hospital did not treat blacks.

In the area of law and politics, black Americans have played an active and necessary role in challenging and ending our Nation's discriminatory practices. Recent probes into the annals of black American history have disclosed a number of people of interest and importance whose achievements have been omitted from many of history's pages. In particular, there is one individual whose contributions have not yet received the prominence they deserve in our national record. Mr. Speaker, I am referring to the multitalented John S. Rock.

Starting out with the humblest of beginnings, Rock rose by hard work to positions of recognition in the abolitionist movement and three professions: dentistry, medicine, and law. From 1844 to 1848, he spent 6 hours a day teaching, 8 hours in study, and 2 in tutoring. Many believe that the subsequent deterioration of Rock's health was a result of carrying such a work load. Once his health began to deteriorate, it became difficult for Rock to attend to his patients. So, he began the study of law.

In 1861, he was admitted to the Massachusetts Bar. In 1865, after Salmon P. Chase became Chief Justice, Rock was the first black person to be admitted to practice before our Nation's Supreme Court. That same year, he became the first black man to be received in these Chambers. Yes, Mr. Speaker, Mr. Rock was the first black man to be received on the floor of the House of Representatives. In 1866, shortly after beginning the practice of law, Rock died at the young age of 39.

Decades after Rock had broken these color barriers in the practice of law, men like Charlie Houston and Thurgood Marshall continued the legal fight against racial discrimination. During the 1930's, 1940's and 1950's these men catalized change, by arguing a litany of cases before the Supreme Court. Eventually, their efforts opened up a vista for blacks and culminated in the desegration of our Nation's schools via Brown versus Topeka Board of Education in 1954. In ruling on this case, the U.S. Supreme Court overruled Plessy versus Ferguson, the case which had established the doctrine of separate but equal. By putting the separate-but-equal doctrine to rest, the Supreme Court allowed black students across the Nation, as well as the children of Topeka, KS, for the first time in our Nation's history, to attend integrated public schools.

And, it was after having won many battles in our Nation's courtrooms, that black Americans made significant gains in winning battles at the polls. Most specifically, I remember when in 1967, in Cleveland, OH, my brother, Carl, became the first black mayor of a major American city. At that time, Cleveland was the eighth largest city in the United States and was only 37 percent black. Today there are 303 black mayors in America.

Mr. Speaker, I have just touched the tip of the iceberg in terms of reciting some of the contributions blacks have made to our Nation's development. In commemorating and reviewing just a few of these contributions, the words of Dr. Woodson take on special meaning. He said that once we dispel the myths that blacks have never contributed anything to the progress of mankind, "the achievements of the Negro properly set forth will crown him as a factor in early human progress and a maker of modern civilization."

Mr. FROST. Mr. Speaker, it is important for us to take time each year, if not each day, to

highlight the important contributions of black Americans to the development of our great Nation.

Today, I rise to honor a black Texan who by capturing black history in photographs made black history. R.C. Hickman was born more than 60 years ago in the small north Texas town of Mineola. He acquired his photographic skills in the South Pacific during World War II as an official Army photographer.

His true career began when he returned to Dallas as a photographer for the Dallas Star Post, the local black paper. His work for the paper and his freelance work for Jet and the NAACP placed him in the unique situation of capturing for posterity the black community in the three turbulent decades following the war. His work preserves the visual evidence of racial segregation and the struggle to end it in north Texas. His photographs documenting public demonstrations against racial segregation are especially valuable because Dallas' major news media generally refused to report these events.

But more than chronicling an important time in our Nation's history, he captured on film the daily life of black Americans. And it is these photographs which illustrate the similarities of experience of all Americans. Looking at photos of kids dressed up for Halloween, the local newsboy, a Navy son returning home, workers at a gas station, and a high school student receiving a scholarship evoke memories for everyone. All of us can recall such events from our lives.

It is that ability to capture not only the unique black experience, but the actions of everyday life which indebt us to R.C. Hickman. For now we can relive through his photos the experiences of a group of Americans—black Americans.

Luckily for us the 3,000 negatives of R.C. Hickman's life work are preserved at the Barker Texas History Center at the University of Texas at Austin. Selections from the collection have been displayed in Austin and in Dallas at the Hall of States, making this body of work accessible to many.

As I said earlier, it is important for us to honor the work of men like R.C. Hickman. For in honoring him we recognize the contribution of the average American—the true American—the black American in the development of our Nation. I ask you to join me in saying thank you to R.C. Hickman—chronicler of black history.

Mr. BRYANT. Mr. Speaker, black history in Texas began more than four and a half centuries ago—long before it did in any other part of what is now the United States. Blacks were preceded in Texas only by Indians. As we celebrate Black History Month, it is important that we recall some interesting facts about the rich history and important contributions of black Texans to our State and Nation.

The first black person to land in Texas was a moor of Azamor in Northern Africa's Morocco—a man named Estevan. Part of a Spanish expedition to Florida under the direction of Panfilo de Narvaez, Estevan was among a small group of men who survived a storm in the Gulf of Mexico on a makeshift boat. After reaching land, they were captured by coastal Indians for whom they were compelled to work for about 5 years before finally achieving freedom, largely as a result of Estevan's talents. Because he had a gift for languages, Estevan became more of a partner than a slave to his master, Capt. Andres Dorantes.

In 1691, a black bugler accompanied Domingo Teran on the second Spanish missionary expedition to convert east Texas Indians.

By the 1790's—only 20 years after Crispus Attucks, a fugitive slave, was killed in the Boston Massacre, one of the first to die in the American colonies' struggle for freedom from England—blacks made up at least 15 percent of the population in what would become Texas.

Prior to the end of Mexican rule over Texas in 1836, most free black immigrants came to Texas as farmers—like Emanuel Hardin of Brazoria County and Jean Baptiste Maturia of Nacogdoches in the 1820's. A few pursued other occupations. In 1831, for example, Robert Thompson became a rancher in Montgomery County, James Richardson sold oysters and refreshments between Velasco and San Luis on the coast, and Greenbury Logan moved here from Missouri as a blacksmith.

William Goyens, a black born in North Carolina in 1794, became one of the first rich Texans through his work as a blacksmith, wagon manufacturer, freight hauler, mill owner, land speculator, and planter in and around Nacogdoches between 1820 and his death in 1856.

Perhaps the first blood shed in Texas' fight for independence from Mexico was that of Samuel McCullough, Jr., a volunteer who was crippled for life by a shoulder wound sustained in a battle at Goliad in October 1835.

After 1836, under a provision in the Republic of Texas' Constitution, free blacks who wanted to move here had to appeal to the Republic's Congress for permission. As a result of limitations on black immigration, the free black population of Texas declined from 397 in 1850 to 355 in 1860.

In the days before the Civil War—in which about 5,000 blacks served in the U.S. Army and Navy, some commanding units—60 to 70 percent of the black populations achieved literacy, despite the fact that only 20 black students in 1850 and 11 in 1860 could find teachers to educate them. This commitment to self-improvement allowed some blacks to thrive and prosper—like Aaron Ashworth, a wealthy landowner who owned 2,570 cattle, the largest herd in Jefferson County in 1850—even in the face of adverse circumstances.

Milton M. Holland, born in 1844 on a small farm near Carthage in Panola County, was the first black Texan to win the Congressional Medal of Honor, our Nation's highest military award. As Sergeant Major of Company "C," Fifth U.S. Colored Troops, he won the distinction by leading his unit in the most brilliant and daring fight of its career outside Richmond, VA, in September 1864.

Although President Lincoln signed the Emancipation Proclamation on January 1, 1863, freedom did not come for Texas blacks until Gen. Gordon Granger landed in Galveston on June 19, 1865—the day the State of Texas now officially celebrates as Juneteenth—and read a statement:

The people of Texas are informed that in accordance with the proclamation from the executive of the United States, all slaves are free, which involves the absolute equality of people of personal rights and rights of property between former masters and slaves. * * * .

Mr. HALL of Ohio. Mr. Speaker, I would like to thank Congressman STOKES for sponsoring this special order honoring those men and women who have helped make America such a great nation. February has been designated "Black History Month." It is a time when blacks, as well as all who comprise this great melting pot of ours, pause to honor great accomplishments by blacks in America.

From the Nation's inception, blacks have played an integral part in building the framework of the United States. They have provided free as well as paid labor, while enduring a brutal form of discrimination and inequality. Despite seemingly insurmountable odds, many blacks have succeeded in making notable contributions to society. Sweeping changes in conditions over the years have occurred as a result of much struggle.

Looking back, the 1960's proved to be a turbulent time for all Americans. The country witnessed the emergence of a new form of leadership in the struggle for freedom. Dr. Martin Luther King, Jr., the great leader in the struggle for peace and freedom, was the most important figure in the civil rights movement. Many of the gains blacks presently enjoy can be attributed to the peaceful resistance strategies utilized by Dr. King. Unselfish, persevering efforts subsequently offered blacks in America a new day with new opportunities.

Some 29 million blacks reside in America, making them the largest minority in the country. More liberal voting rights have increased the number of blacks participating in the government process. At the end of last year, blacks held 6,681 of the approximately 500,000 elective offices in the United States; the largest number to hold public office since Reconstruction. Presently, blacks hold key positions in Congress, as well as the President's Cabinet. Also noteworthy are the increasing numbers of blacks serving as mayors of large metropolitan areas. Presently 10 large cities are headed by blacks with those numbers projected to rise as the population of blacks residing in urban areas increases. I am certain these accomplishments are ones never before dreamed of by the forefathers of those who now serve in the Halls of Congress.

Despite these accomplishments by a few, a large percentage of the black population still does not enjoy the fruits of the labor of those who fought such a relentless fight for equality. Unfortunately, racial discrimination remains an intrinsic part of American society. It continues to rear its ugly head far too often, in too many places. Poverty remains rampant in the inner cities. According to a recent report issued by the National Urban League, "The real income of the lowest fifth of the population, adjusted for inflation, declined between 1979 and 1986 by $663 per family * * *" Black unemployment stands at about 12 percent, while the rate among black teens is almost double that of whites. Cuts in Federal college aid have had a sweeping negative effect on the number of black youth who attend college. The school dropout rate among blacks is re-

ported to be as high as 50 percent in some urban areas.

The study of black history in America is essential. The current state of black America is indicative of a pressing need for continued commemoration of "Black History Month." Studying black history offers black youth the opportunity to reflect upon their part of a rich heritage. It also serves as a constant reminder of the struggles and hardships their forefathers endured so that they might enjoy a life of freedom and equality.

The University of Dayton, in my district, offers a typical observance of Black History Month. During February, UD will show a film series, hold an antiapartheid rally, conduct religious services, hold discussions, and sponsor an open sing with the university gospel choir. Wright State University, in the Dayton area, also will hold a series of speakers, films, performances, and cultural events.

Black History Month is also a time to reflect upon those who are presently making contributions to society. Many great men and women continue to serve as role models for those who have not yet realized the dream of Dr. Martin Luther King. It is therefore imperative that this important culture be preserved and commemorated. All citizens of the United States must continue to view "Black History Month" as a time when people of all races in the melting pot realize they have important roles in maintaining the strength of our Nation. February as "Black History Month" should also be a time for Americans to examine themselves, and remember that we must all remain "* * * one nation under God, indivisible, with liberty and justice for all."

Mr. HORTON. Mr. Speaker, first of all I would like to thank my colleague LOU STOKES for requesting this special order. It is essential that all Americans are knowledgeable on the contributions that black Americans have made to this country. From colonial times, blacks have had a positive role in the shaping of our country. Until recently, school textbooks did not recognize these contributions and significant events, such as black participation in the fighting of the Civil War, were glossed over.

Even our relatively recent history needs to be studied. Those graduating from high school today were not even born when Martin Luther King struggled to win rights for the black community that the white community takes for granted. Those of us who lived through that difficult period in our history tend to assume that all Americans share the same memories of the courageous struggle by blacks and whites against ignorance and prejudice. We must focus our attention on the young so that they may finish the work that needs to be done to bring true equality to women, minorities, and others who are victims of prejudice.

The contributions that blacks have made to our society are cause for celebration. From business to science and arts to athletics black Americans have been leaders that we all can admire. In many cases, they had the added burden of prejudice to overcome. We can all take pride in their achievements.

Again, I thank my colleague from Ohio for requesting this time and I join him in saluting the achievements of black Americans.

Mr. DERRICK. Mr. Speaker, by designating February as "Black History Month," we are taking the time to honor those who have struggled through long years of oppression, and have triumphed in the face of incredible odds. Black Americans are better able to move into positions of leadership than they were 25 years ago due to the spirit and drive of those who forged the civil rights movement. The major civil rights legislation—the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968—have served to open the doors to blacks in terms of making equal treatment the law, but these acts alone were not enough. Justice and equality are not just terms that can be placed into the law books, they must be integrated into attitudes, and black Americans must be commended for their strides in light of the negative attitudes which persisted even after laws were made.

In my home State of South Carolina, black citizens have persevered, and today hold prominent positions within their communities such as: city councilmen, school board trustees, hospital board members, and planning commissioners. These citizens should be lauded for their dedication and ambition. We must, however, not allow ourselves to become content with the successes at present; let us instead view this as a new plateau from which we will begin another climb. Hope lies in the future.

By observing the past we are able to realize just how far this country has come in changing attitudes toward people of color. Prior to 1960 only two people of color held appointments on public bodies in the State of South Carolina, and since the era of reconstruction there had been no blacks holding any elected or appointed positions. Since 1960, however, 501 black South Carolinians have been elected to serve in many different levels of government. By observing "Black History Month," we are able not only to learn the history of black Americans, but also to recognize just how far they, and we, as a nation have come.

The earlier mention of civil rights legislation must also be combined with educational opportunities that have allowed blacks the chance to move ahead. In 1980, there were more than a million young blacks enrolled in American colleges, as compared to only 600,000 a decade earlier. Also, black studies programs have emerged as part of college courses of study, thus allowing blacks and whites to learn an important part of their heritage.

Mr. Speaker, in commemorating "Black History Month," we are looking back and realizing how far blacks, as well as all Americans have come in establishing justice for all.

Mr. CLAY. Mr. Speaker. I am pleased to join my colleagues in this special observance of Black History Month. Through the commemoration of Black History Month we hope to inspire black Americans to develop a better sense of purpose and pride in our rich heritage and we seek to inform white Americans about the long and distinguished role blacks have played in the development of our great Nation. Both objectives must be reached if our Nation is to realize its commitment to the equal rights of all people.

The month of February was selected to celebrate black history because two great crusaders for the rights of blacks were born this month: Frederick Douglas and Abraham Lincoln. Douglas' and Lincoln's efforts to promote civil rights are well known. But traditionally, historians have ignored, down-played, denigrated, distorted, or diminished the achievements of black Americans. Today, most Americans believe that the first blacks to arrive in this country came on slave ships. But, in fact, we were here before the pilgrims. Most Americans know something about Christopher Columbus and the Nina, the Pinta and the Santa Maria. But, few Americans have heard that the Nina was owned and captained by a black man named Peralonzo Nino. And it is not often recorded that the shot heard around the world, starting the Revolutionary War, killed a black man, Chrispus Attucks. Nor is it well known that over 5,000 free blacks fought in the Revolutionary War or that more than 200,000 blacks fought on the side of the Union during the Civil War.

I could continue sharing many more tales—such as that Deadwood Dick was none other than a black man named Nat Love or that Casey Jones, the famous railroad fireman was also a black man—because black Americans have a rich and glorious past which has long been neglected. But, as William Jennings Bryan said, truth crushed to the ground will rise again. As a lifelong student of history, I know that over the past 15 or 20 years a truer American history is beginning to take shape and to replace the mythology of traditional American history. I am happy to recognize this change and to join my colleagues in this important celebration of Black History Month.

Mr. LELAND. Mr. Speaker, it is a honor to have the opportunity to join my colleagues in participating in this special order commemorating Black History Month 1988. I want to thank the gentleman from Ohio for providing the leadership needed for this special order. Each year, since 1976 we have designated the month of February to pay tribute to the achievements of black Americans. Its conception dates back to 1926 when Dr. Carter G. Woodson first proposed the idea of a national commemoration of the accomplishments of black Americans.

I am particularly honored to bring to your attention the recent outstanding achievements of black Americans such as Reginald Lewis, who completed the largest leveraged buyout by a black entrepreneur with the acquisition of Beatrice International Foods Cos.; Barry Rand, as president of the U.S. Marketing Group of the Xerox Corp., managing 34,000 employees and generating over $4 billion in revenues; Doug Williams, the first black quarterback to win Superbowl XXII; Debi Thomas, skating into world class Olympic competition; Lt. Gen. Colin Powell, the first black National Security Adviser; and Delano Lewis, Chesapeak & Potomac Telephone executive and first black president of the D.C. Board of Trade.

In my own State of Texas, John Hall, the first black senior deputy land commissioner manages a $1.5 million portfolio, with a $20 million operating budget grossing $400 million in revenues. The first black city manager of Dallas, Richard Wright represents the seventh largest city with a combined operating and capital budget of over $1 billion. The first black city manager of Galveston, Douglas

Matthews manages a combined operating and capital budget of $40 million. I can never forget and I am always proud to acknowledge my fellow Texan and former Representative of the 18th Congressional District, Barbara Jordan, the first black Representative from Texas.

My Presidential choice, Rev. Jesse Jackson is an inspiration to all black Americans demonstrating that no barriers or boundaries should inhibit an individuals' ambitions. Reverend Jackson will work endlessly to serve the legitimate interests of all Americans and make the American dream possible for all individuals.

I have briefly touched on the accomplishments of a few black leaders. Black Americans have been involved in every aspect of the history of the United States. Our history and culture is inextricably woven into the fabric of this country. Black Americans have played an integral role in the development of this Nation and our contributions no doubt will continue to shape this great Nation. Let us, therefore, in this celebration of life commit ourselves to remove the blemishes of racism left on society. I urge you to work with me in writing a new history for the United States of America.

Mr. SIKORSKI. Mr. Speaker, mention "Minnesota" and "civil rights" in the same breath and most people think of one man: Hubert Humphrey. They hear his magnificent words ring through that 1948 National Convention and written into a host of civil rights laws. On another giant of the civil rights movement and tireless champion of civil rights was also Minnesota raised: Roy Wilkins.

Black History Month is a particularly appropriate time to honor and remember Americans like Roy Wilkins. His dedication to justice and his commitment to principle are inspiration to us all. His accomplishments as executive director of the NAACP for over 20 years, and in all his undertakings, spurred the cause of civil rights in this country. From the labor camps of the Mississippi Delta to the school houses of Topeka, KS to the lunch counters of Jackson, MS to the March on Washington, and to the American armed services around the world—Roy Wilkins led the fight for freedom and justice for all Americans.

Roy Wilkins was born August 30, 1901, in St. Louis, MO. At the age of 4 his mother died of tuberculosis and he was sent to live with relatives in St. Paul. He grew up in a poor predominantly Scandinavian neighborhood. He worked his way through the University of Minnesota as a porter, dining-cars waiter and stockyard worker.

In Minnesota Roy Wilkins edited his school magazine, took journalism courses at the University of Minnesota, was night editor of the university newspaper and was editor of a black weekly, the St. Paul Appeal. Later he was managing editor of the Kansas City Call, a leading black weekly, and editor of the Crisis, the official NAACP organ.

In Minnesota, Roy Wilkins also began a half century affiliation with the organization with which his name is synonymous—the NAACP. For 22 years he served as executive director of the NAACP. In 1954 he accomplished his crowning glory: planning a case argued by then-NAACP special counsel Thurgood Marshall to test the Supreme Court doctrine of separate but equal: Brown versus Board of Education.

Arnold Aronson, secretary of the Leadership Conference on Civil Rights, stated in his eulogy of Roy Wilkins in 1981, "He was the living embodiment of that human dignity that is the birthright of every man and woman."

If I can paraphrase Mr. Aronson: "Thanks for passing through, Roy. Minnesota, America, and all of us are enriched by your having spent time with us."

Mrs. COLLINS. Mr. Speaker, this month our Nation celebrates the numerous contributions of black Americans to American life. From the scientific and literary contributions of George Washington Carver to the trailblazing exploits of Washington Redskins quarterback Doug Williams, blacks have served as our Nation's pioneers and conscience in the development of American society.

Observing Black History Month provides a welcome opportunity for each of us to increase our awareness of the enormous contributions and achievements black Americans have made to America. The observance of "Negro History Week" began in 1926 by Dr. Carter G. Woodson, a noted black historian and founder of an association dedicated to the study of black history. Dr. Woodson felt there was a need to acclaim and honor famous and lesser known blacks for their achievements in the arts, sciences, literature, law, medicine, human rights, sports, and politics.

With the expansion of Black History Month throughout our Nation, February has become not only a month to learn new facts and appreciate the old, but it has become a month not only to reflect on our contributions and recommit our efforts to the ongoing struggle for equality and justice.

I was proud to be the sponsor of the Black History Month resolution in the 100th Congress, and I am pleased that so many institutions throughout the United States have set aside time to learn about the great many black men and women who have had such a positive impact on the development of mankind.

As we join our neighbors and friends in celebrating Black History Month, we should not forget that this commemoration is important because it serves as a source of cultural pride not only to black Americans but all Americans. We should also never forget that without the contributions of black Americans such as Harriet Tubman, Frederick Douglas, Paul Lawrence Dunbar, Scott Joplin, Dr. Martin Luther King, Jr., and Whitney Young, America could never have achieved its present stature. By celebrating Black History Month, we help insure that these people, and others, are recognized, and that the struggle for civil rights will continue to remain vital throughout the United States.

Mr. TOWNS. Mr. Speaker, I rise today to join my colleagues in commemorating Black History Month, the annual celebration of the achievements, accomplishments, and contributions of black people to our Nation and to the world.

Mr. Speaker, while I join in the celebration, I also look forward to the day when such a celebration will not be necessary. When the achievements, accomplishments, and contributions of black Americans will be so readily accepted and acknowledged as a ligitimate portion of American history that they will need no separate recognition.

Inasmuch as 1988 is a Presidential election year, I would commend to my colleagues the reading of an article which I recently wrote entitled: "Countdown to the Presidency '88: The African American Agenda." Certainly the topic is both pertinent and timely.

The article follows:

As the November 1988 Presidential Elections draw closer, it becomes increasingly urgent that we, as African Americans, develop our own agenda. Clearly, with the powerful African American vote being diligently courted by twelve (at last count) presidential hopefuls, a well thought out and developed African American Agenda will become the touchstone by which all of the candidates must pass.

What will this Agenda do? What will be its purpose? Simply this. Our Agenda will clearly outline those issues which we as the African American community see as priorities—from education to employment to South Africa. Having our own Agenda will help to ensure that our concerns are addressed, not overlooked or ignored. And because an election year approaches, our Agenda will help us to judge those who want our vote. Obviously, if a candidate—be it on the local, state, or federal level—can not see his or her way clear to—at a minimum—address our Agenda, then we must not see our way clear to vote for him or her.

The mass voter registration and education drive which took place during 1983 and 1984 resulted in a greater number of people coming to office because of an overwhelming African American voter turn-out. The power of the African American vote elected four new African American Representatives to the United States Congress, including Mike Espy—the first African American elected to Congress from Mississippi since Reconstruction. The power of the African American vote returned the Senate to Democratic control, which, in turn resulted in the defeat of the nomination of Judge Robert Bork to the U.S. Supreme Court. (Just imagine how different the scenario might have been had Republican Senator Strom Thurmond been Chairman of the Senate Judiciary Committee instead of Democratic Senator Joseph Biden!)

It is to our advantage, then, that we develop an Agenda which defines our priorities, and works for our interests. Clearly, our single most important concern is the future of our children. Our children are our most valuable asset. And we must, therefore, take steps to ensure that their future is secure. That they are properly educated. That they are healthy and drug-free. That they have adequate employment opportunities. That their world is free of racism and sexism. That their world is safe from crime and the threat of nuclear war.

So our Agenda is for our children. Because we realize that our children are our future. They represent boundless opportunity and limitless potential. But unless we begin forcing substantial changes in society as we knew it today, we run the risk of these opportunities and potential never begin realized. We will surely face untold numbers of future generations living in an unending cycle of hopelessness and despair. We must demand change—for our children's sake. And as we make improvements in our chil-

dren's future, we inevitably better our present situation.

At the top of our Agenda must be education. "A Nation At Risk," a study by the national Commission on Excellence in Education, warned that a "tide of mediocrity" was overtaking our nation's public schools. The study urged "fundamental reform" of the education system by renewing America's "commitment to schools and colleges of higher quality throughout the length and breadth of our land".

Since "A Nation At Risk" was published in 1983, there have literally been hundreds of state commissions and blue-ribbon task force reports calling for raised academic standards, tighter discipline, and incentives to improve teaching. While these goals are certainly admirable, the great education reform movement has not emphasized the "unfinished task of offering every child—Black, Hispanic, Native American, Asian, and white—a fair chance to learn and become a self-sufficient citizen", according to the National Board of Inquiry. In fact, we find that the educational equity debate has slowly been moved away from the disadvantaged population.

Even the National Board of Inquiry has stated that "judging by the disproportionate numbers of such children who are excluded and underserved by the schools . . . minority children do not matter as much as non-minority children do to some school officials". Poor students also seem less important than middle-class students judging from the difference in funding levels for school financing in different districts.

The impact in numbers of "lost souls" tells a disturbing tale. One in four students enrolled in the ninth grade drops out. The dropout rate of Black students is nearly twice that of white students. Black students have lower standardized test scores and lower grades. Black students are more than three times as likely to be in a class for the mentally educable retarded than white children, but only half as likely to be placed in a gifted and talented class. And while the college enrollment rate of white high school graduates is just under 60%, that of Black high school graduates remains just over 40%. The implications of these appalling statistics are, in and of themselves, frightening: a study published by the Children's Defense Fund indicates that during 1982-1983, in families in which both parents were high school graduates, 7% of the children were poor. Where only one parent had a high school diploma, 20% of the children were poor. And in families where neither parent had completed high school, 39% of the children were poor. And the figures were even higher in single parent households where the parent was not a high school graduate—81%.

What this means is that unless we can find ways to encourage our children to stay in school—through college—we will face a continuing cycle of poverty. But we must also find ways to improve our nation's schools so that our children will want to stay in school.

We need increased funding for the Head Start child development program for disadvantaged children. Studies have shown again and again that Head Start participants are more likely than other children to complete high school, go to college or vocational school, and ultimately enter the workforce.

We must fight for the Title I—Compensatory Education program. Title I, which specifically targets disadvantaged elementary and secondary school children, has been highly successful in improving reading and mathematics achievement levels for poor and minority children. However, more than 50% of those children eligible for the services provided by Chapter I are—due to lack of resources—denied access to the program.

A relatively new program—Effective Schools—also deserves our support. The Effective Schools Act provides funds to "instructionally effective" schools to help them expand their programs. This movement, promoted by George Weber and the late Ronald Edmonds, assumes that while public schools can't control what happens in their surrounding communities, they can control what happens within their four walls. It encourages schools to develop those characteristics which often distinguish effective schools: strong school leadership, an orderly school atmosphere conducive to learning and teaching, high expectations for the children, an emphasis on the development of basic skills, and individualized student performance evaluation.

We also need a strong drug education program. We cannot continue to lose our children, our brothers, our sisters, and our entire communities to the scourge of drug abuse. We must fight for the development of a comprehensive drug abuse and control strategy. One which not only focuses on education and prevention, but which also addresses the issue of interdiction. We are urgently in need of a strategy which will reduce the demand and the supply.

Every day our country is flooded with illegal narcotic substances, which inevitably find their way into our neighborhoods. The latest figures indicate that 100,000 metric tons of cocaine, 6-8 metric tons of heroin, and 9,000-10,000 metric tons of marijuana found their way into our country in 1986 alone. It is unfathomable that we, the great western superpower, are helpless to stem the tide of illegal drugs flooding our country.

Certainly, the African-American community remains one of hardest hit by drug abuse. With our future in America at stake, we need our best mind- and man-power at our disposal. Having so many of our people high on drugs is a luxury we simply cannot afford.

If we are concerned about our children, then we must be concerned about the thousands of our children who live in poverty. While we recognize that the vast majority of our nation's poor are white, the African-American community remains disproportionately affected by poverty. Fifteen percent of white children are poor compared to 43% of African-American children.

We have already seen the cyclical effect of poverty. We must, therefore, place high on our Agenda the sensitive issue of welfare reform. We must develop a strategy which will encourage those on the welfare rolls to develop a view toward eventually becoming totally self-sufficient.

Underlying any reform effort must be the premise that a family which works should be better off than one which doesn't. According to the Bureau of the Census, the typical African-American working woman can expect to earn just $9416—only $900 more than the typical African-American woman receiving welfare. Taking into account the aggravation often associated with finding affordable child care, and a well-paying job, there is clearly little incentive to get off welfare and become self-sufficient.

Any welfare reform initiative must include an education and job training component. And it obviously must also include an adequate child care assistance program. We cannot expect women who currently head households to just go to work without any consideration for the care of their children.

Similarly, we must support initiatives which will encourage families to stay together. Currently, in twenty-five states, two parent families, no matter how poor they are, cannot receive public assistance. This phenomenon has led to the break-up of innumerable African-American families.

Beyond social programs, the African-American community must be very concerned about our country's economic policy and budgetary priorities. We live in a country that ranks number one in arms exports, and number ten in education expenditures. We cannot continue to allow our government to spend 30% of the budget on defense, 4% on health programs (excluding Medicare), and a paltry 1.5% on education.

We cannot continue to sit back and allow others to make budgetary decisions which will inevitably affect our people, for better or for worse. We must get involved in the budget process and make our voices heard. We must force our government to develop a budget which more accurately reflects what our priorities should be.

I am not advocating a complete disregard for the defense of our country. Obviously defense is important. However, I am of the opinion that you only need enough guns to kill everyone once; you don't have to kill people fifty times. After all, dead is dead. Besides, what is the point in having so many arsenals of weaponry if there aren't enough people around who can read the instruction manuals on how to use them.

We must advocate implementation of a budget and economic policy which will educate our people, which will provide adequate goods and services for our people, and which will ensure sufficient employment opportunities for our people.

Unemployment remains one of the greatest obstacles in the African-American community. The lack of adequate employment can be found at the root of so many of the problems in our neighborhoods, including poverty, drug and alcohol abuse (as a means of escape), and crime, to name just a few. Most importantly, perhaps, is the lack of self-esteem which all too often results from unemployment. Unfortunately, our society is one which connects a person's worth to his ability or inability to provide the basic necessities of life for himself and his family. It is this lack of self-esteem and self-worth which is most dangerous to the future of African-Americans. If I do not care about myself, then I will not care about my children, and I definitely will not care about your children. I will not care about the drug problem; I will not care about teenage pregnancy; I will not care about crime. And I most certainly will not care about improving my community for future generations.

What is needed, then, is a viable, comprehensive program which will create and sustain meaningful jobs for our people. This is imperative.

Finally, our Agenda would not be complete without an expression of concern for our brothers and sisters in other parts of the world. As Dr. Martin Luther King, Jr. said: "injustice anywhere is a threat to justice everywhere". How comfortable could we, as African-Americans, ever be, knowing that our brothers and sisters in South Africa suffer under the inhumanity which is apartheid? That our brothers and sisters in the Caribbean live in abject poverty? That

our brothers and sisters in many parts of Africa live under constant threat of starvation?

As we struggle for our rights here in the United States, we must also struggle for our people all over the world. Next year, our government will spend several billion dollars on foreign aid. As long as this money is going to be spent, we might as well make sure that some of it goes to countries with which we feel a familial connection.

Nowhere is interest group politics more in evidence than with U.S. foreign policy. For example, Greek-Americans greatly influenced our decision to end assistance to Turkey after that country invaded Cyprus and we can certainly see that the influence of Jewish Americans largely determines our Mid-East policies. When African-Americans have decided to use their political clout within the foreign policy arena, we have been successful. Let me cite a few examples to illustrate my point.

The "Free South Africa Movement" was the driving force behind Congress adopting economic sanctions legislation against South Africa. That movement, as you know, was led by African-Americans. The crisis in Haiti has been monitored by the Congressional Black Caucus since 1979. Despite recent tragic events, we are confident that we can continue to have a positive impact on U.S. foreign policy toward that country. On the issue of increasing development dollars to the Caribbean and Africa, it has largely been through the Black Caucus' initiatives that we have been able to obtain an $85 million authorization for sub-Saharan Africa and a million dollars for Black-led government of Belize in Central America. These success stories suggest that African-Americans have a significant role to play in shaping our country's policies toward the Caribbean and Africa. Certainly any African-American political agenda must include a focus on a progressive foreign policy toward the developing world, with a particular emphasis on Africa and the Caribbean.

This Agenda, as I have outlined it, is by no means the last and definitive word. Obviously, there are many other issues which need to be addressed. My objective, however has been to outline those issues which are most critical to the survival and future of African-Americans.

It remains our responsibility to make our voices heard. No one can address our needs if no one knows what they are. We must continue to exercise our right to vote as a means toward social parity and economic stability. We must demand that any candidate for public office address our Agenda. We must force those who are already in office to be responsive and attentive to us and our Agenda.

Mr. MFUME. Mr. Speaker, as part of the yearly ritual, Americans of all races are celebrating "Black History Month." Initiated in 1926 by historian and educator, Carter G. Woodson, as "Negro History Week," the observance was later expanded to encompass the entire month of February.

Being that our origins date back to the beginnings of human kind, setting aside 1 month to acknowledge the history and achievements of Americans of African descent increasingly proves inadequate. We are a proud, determined, and cultured people, replete with a history that cries to be acknowledged continually.

We expect our schools—from Head Start to college level—to play a leading role in keeping the African American experience in the forefront of our intellectual development on a daily basis. American literature students—regardless of race—need to be familiar with the works of black authors and poets. Those in the medical field should know also of the contributions made by great physicians from Dr. Charles Drew, of Washington, to Dr. Levi Watkins, of Baltimore.

During our times of greatest adversity, religious institutions have always been there as keepers of the culture. A unanimous "amen" is due to those members of the clergy who regularly use the pulpit and church bulletins to remind their congregations about our triumphs.

While their efforts are well-intended, our Nation's cultural centers must abandon policies of February-only tributes to African Americans. The National Museum of American History's popular "Field to Factory: Afro-American Migration (1915–40)" exhibition is a step in the right direction. Consisting of more than 400 artifacts, a documentary film, photographs, a tenant farmhouse from southern Maryland, and the recreation of a Philadelphia rowhouse, rarely has there been better use of museum floor space.

Originally scheduled for only 13 months, "Field to Factory" was recently designated to be a permanent part of the museum's collection. Its tremendous success is proof to curators and scholars that the public hungers for more projects of a similar nature.

The African American family must continue to overcome great odds to remain an ongoing foundation for us. Any efforts to further strengthen and enhance these special family units must always be encouraged. The National Council of Negro Women is carrying the torch in the eighties with its spring through autumn, city to city, black family reunion celebrations.

The Schomberg Center for research in black culture has gotten this year off to a sensational start. The Baltimore Museum of Art, the Enoch Pratt Free Library, schools, churches, and countless community groups have scheduled special exhibits, lectures, symposiums, and theatrical productions in the coming days. But, as we flip our calendars on the 29th, let us all be reminded that the celebration has only just begun.

Mr. DELLUMS. Mr. Speaker, I rise today to speak in commemoration of Black History Month.

History is much more than the remembrance of things past. However, it will continue to be little more than footnoted nostalgia—unless we as a nation make a concerted effort to understand the consequences of past actions and act collectively and constructively to actualize for all Americans the promises made in the Declaration of Independence and the Bill of Rights.

Those of us in the legislative branch—especially so members of the Congressional Black Caucus—have a special responsibility to use the tragedies, the lessons, and the missed opportunities of history to forge a new national agenda that will make the promise of America a reality for all, regardless of race, color, gender, age, or economic status.

We have much to learn from black lives lived in commitment and courage—from Frederick Douglass and W.E.B. DuBois, from Harriet Tubman and Sojourner Truth, from Robert Weaver and Mary McLeod Bethune, from Fannie Lou Hamer and Martin Luther King, Jr., and especially from the millions of unsung heroes and heroines who daily struggled to make a better world for their children, in slavery and in freedom.

We must make certain that their efforts were not in vain. It is for us, the living, to carry on in their footsteps, "to make of this old world a new world". It is for us, especially the members of the Congressional Black Caucus, to raise the levels of historical awareness and concern, not only in the black community but all across this Nation, about the unfinished agenda for making America a better society for all.

That unfinished agenda includes a redefinition and expansion of the Bill of Rights to guarantee for all, regardless of race, gender, or economic status, the right to everyone: to have adequate housing from the moment of birth; to have full preventive and curative health care from the moment of conception until death; to have full access to comprehensive education that challenges and maximizes the latent talents within each of us; the right to have a job that provides true dignity through a living wage that will support the wage earner, his or her family, and other persons who may be dependent upon him or her for their very survival; and the right to be a full participant at every level of the political process in determining the destiny of neighborhood, community, State, and Nation.

Finally, we must not only revere the past, we must learn from it. We must use it to make our own history, rather than having it dictated to us by those who control the levers of economic and political power in this society. We in the Congressional Black Caucus have a special challenge—and opportunity—to show the way, through the example of our collective commitment to making this unfinished agenda a reality for our children and our children's children. Let us not be found wanting by future generations.

Mr. FLIPPO. Mr. Speaker, each year Black History Month allows us to reflect on the many contributions that black Americans have made to our society.

Dr. Carter G. Woodson, a distinguished historian and author, started Black History Week in 1937, because of the lack of information available to students. He, along with other scholars, brought to the forefront the accomplishments of black Americans in the fields of science, agriculture, education, and public policy. In 1976 the observance was changed and expanded to make the entire month of February Black History Month.

My State of Alabama can take great pride in the fact that many past and present black American leaders have lived and worked in our State. The Tuskegee Institute, founded by Booker T. Washington in 1881, has long been recognized as a bastion of excellence in education and technical training for black Americans.

In my own congressional district, another distinguished institution, Alabama A&M University, was founded in 1875 by William H. Councill, a former slave. For almost 35 years of continuous struggle Dr. Councill's leadership

and perseverance kept the institution open and growing. His dream of education and equality for all people is the keystone of the university.

In addition to recognizing black leaders who have leapt large hurdles to reach the top of their professions, hurdles made greater by racial considerations, we should look to the future and provide young black people with the encouragement which they need to succeed.

It is true that, thanks to some brave and dedicated men and women active in the civil rights movement, life for black Americans is better than it once was. Blacks can now go into restaurants with whites, stay in the hotels of their choice, and sit where they like in buses. The strict legal segregation enforced by sheriffs and the courts is gone.

However, race still remains a major disadvantage. A third of black Americans live in poverty or near poverty. Blacks have higher unemployment and less income than whites. The era of dejure segregation is over but the civil rights movement has evolved into a political and economic struggle. Only 2 percent of the Nations politicians are black, and blacks own less than one twelfth of the white equity in the Nation's wealth (real estate, business ownership, stock and bonds).

Greater educational opportunity is the key to a better life for blacks. Black achievement benefits not only blacks, but the Nation as a whole. Therefore it is in the interest of all Americans to support efforts to help young people of every race to develop their talents to the fullest.

Black History Month gives us a greater awareness of how far we have come and how far we have to go. We pause to acknowledge the many contributions of black Americans, and the great potential for future contributions. I am sure my colleagues share my belief that we must continue to work to help bring the American dream of equal opportunity closer for all citizens—young or old, rich or poor, black or white.

Mr. JONTZ. Mr. Speaker, I too, would like to join my colleagues in commending the gentleman from Ohio [Mr. STOKES] for reserving this special order to honor the contributions of black Americans to our Nation's history.

In commemorating Black History Month, we are observing the great achievements of many prominent black Americans who have influenced the course of our history. Rev. Martin Luther King, Jr., civil rights activist; Thurgood Marshall, the first black Associate Justice of the Supreme Court; Crispus Attucks, a patriot who was slain in the Boston Massacre of 1770; Frederick Douglass, who started the abolitionist newspaper, the North Star; these are just a few great black Americans who helped to shape our history.

I would like to take a minute to pay tribute to some of Indiana's own great black Americans.

The first election of a black mayor in a major northern city occurred in 1967, when Richard G. Hatcher overrode the regular local party machine to win the top municipal post in Gary, IN. Also, out of that city came Michael Jackson, the first person to show America how to moon walk on Earth.

In 1949 Indiana University coach Branch McCraken recruited the first black basketball player to play in the Big Ten Conference of the NCAA, Bill Garrett. He led Indiana in scoring three consecutive seasons and was the team MVP in 1951. Another great black basketball player to come out of Indiana was Oscar Robertson. He led Indiana's first black high school, Crispus Attucks, to two consecutive State championships. The "Big O" also had an outstanding 14-year career in the NBA.

Indiana has also been the home of a great champion of racial justice. Robert Lee Brokenburr. The son of a former slave, Brokenburr was the first black elected to the Indiana State Senate. During his 24 years in the Senate he authored two civil rights bills that were passed by the Indiana General Assembly.

Indiana has also been home of one of the most successful black businesses in the United States, the Walker Manufacturing Co., located in Indianapolis. Madam C.J. Walker, a pioneering black businesswoman, was president and sole owner of the company. Her hairdressing business came to employ over 3,000 people. Madam Walker was a generous woman, making substantial gifts to the National Association for the Advancement of Colored People, and to homes for the aged in St. Louis and Indianapolis.

Mr. Speaker, I join my colleagues in recognizing Black History Month. I hope that in some way our comments today will help to promote a greater recognition and awareness of the contributions that black Americans have made to our Nation.

Mr. TALLON. Mr. Speaker, it is a great honor for me to join my colleagues for this special order commemorating Black History Month. The achievements and contributions of black Americans are endless and far-reaching. I would like to thank my colleague LOUIS STOKES for inviting me to participate in this special order.

As we pause today to lift up the accomplishments of black Americans, I hope we will be mindful of our duty to make sure that the history of our time be recorded accurately and fairly. To include the stories and contributions of all who toiled to make this a more perfect Union. I have never been more mindful of how important this is than in my efforts to prepare my remarks for today's special order.

Mr. Speaker, I am very proud to pay tribute today to the first black Member of the U.S. House of Representatives, Joseph Hayne Rainey. Unfortunately, there isn't much information available on Mr. Rainey. There is no full-length biography, but rather several accounts and sketches of his life. I sincerely hope the time will come when history will be all inclusive, but until then, we will have to work a little harder to make sure that we tell the story as accurately and completely as possible.

Joseph Rainey was born on June 21, 1832, in Georgetown, SC, which is located in the district I represent, South Carolina's Sixth. Mr. Rainey served in this body from 1870–79.

Joseph Rainey's parents, Edward L. and Gracey, were slaves. Edward Rainey purchased his family's freedom sometime between 1840 and 1850. Edward Rainey was able to establish himself as a relatively prosperous barber in Georgetown. He passed this vocation onto his son, Joseph, who later established himself as a barber in Charleston, SC.

Joseph Rainey was drafted by the Confederacy to work on military fortifications in the Charleston Harbor and from there managed to escape to Bermuda in 1862 with his wife Susan. At the end of the Civil War, the Raineys returned to South Carolina.

Joseph Rainey became active in the Republican Party, serving as Republican county chairman and as a member of the Republican State executive committee from 1868 to 1876. Rainey was elected to serve as a delegate to the State constitutional convention from Georgetown in 1868.

Shortly after adjournment of the convention, Rainey was elected to the State senate, where he served as chairman of the important Finance Committee. He resigned from the senate in 1870 to fill the unexpired term of Benjamin F. Whittemore, who had been forced to resign because he had sold West Point cadet appointments.

Rainey was reelected to four consecutive terms. He was defeated in the 1878 election by Democrat John S. Richardson. While in Congress, Rainey was a ardent supporter of the Civil Rights bill of 1875. He made impressive speeches in favor of legislation to enforce the 14th amendment and the Ku Klux Klan Act. Having personally experienced discrimination in public accommodations on numerous occasions, he was a very strong proponent of civil rights legislation, including the integration of public schools. In debate, Rainey was described as "courteous and suave rather than aggressive," but he was said to possess the ability to defend himself well when necessary.

After leaving Congress, he was appointed a special agent of the treasury department of South Carolina, where he served until he resigned in 1881. Rainey failed in his efforts to become the first black Clerk of the U.S. House of Representatives. He tried to start a note brokerage and banking business in Washington, but this venture failed. In the spring of 1887, Rainey returned to Georgetown where he died of congestive fever on August 1, 1887.

Mr. Speaker, Joseph H. Rainey was well thought of by his colleagues and respected by his political enemies for undisputed integrity. He was the first black man to serve in this body and he served this country and the people he represented with honor and distinction.

I am very proud today to recognize Joseph Hayne Rainey and the countless other black Americans who have labored tirelessly and unselfishly to help make this country better and stronger. In paying tribute to Joseph Rainey, I can't help but think of the contributions of my colleagues of the Congressional Black Caucus.

Joseph Rainey, Robert Brown Elliott and Robert Smalls are just a few of the forerunners—they served here early on, but they have been followed by men and women of equal greatness and stature—the current members of the Congressional Black Caucus.

Mr. Speaker, as we pay tribute today to the achievements and contributions of black Americans, we can't help but be proud to serve with the talented and dedicated individuals who comprise the Congressional Black Caucus.

Members of the caucus hail from all across the country, often from regions or States with competing interests and priorities. But the Congressional Black Caucus has a national constituency—they represent black Americans from the East to the West, from the North to the South. They have not shirked this awesome task, but rather embraced it and very ably given voice to the aspirations, the anxieties—the fears and frustrations of millions of Americans of color. The Congressional Black Caucus has compiled an impressive record of outstanding contributions and accomplishments on behalf of all Americans. I am proud to serve and work with these men and women in their struggle to make ours a truly great Nation "with freedom and justice for all."

Mr. WEISS. Mr. Speaker, it is with great pleasure that I join today in the commemoration of Black History Month. I would like to thank my colleague, Mr. STOKES, for once again organizing a special order, giving us the opportunity to come together and share with each other our thoughts and hopes during this very special celebration.

History is not simply what happened, but how it is remembered. For centuries in this country, the contributions of black citizens have been ignored, glossed-over, and even undermined by historians, teachers, and the public at large. Whether by the distortion that comes from naivete, outright racism, or simply lack of information, our country's history books have excluded the outstanding contributions that black Americans have made in the building of our Nation.

Recognizing that an enormously important part of American history might be lost forever, Dr. Carter Woodson, a renowned historian, created the Association for the Study of Negro Life and History and the prestigious Journal of Negro History in 1915. And, in 1926, to broaden his audience and educate the American public, Dr. Woodson proposed that the week between Abraham Lincoln's birthday and Frederick Douglas's birthday in February be set aside to recognize the vital role played by blacks in American history. In 1976, realizing that a week was much too brief, Congress set aside the entire month of February to celebrate and commemorate black history.

So, it is at this time that we honor those hardworking and proud black Americans who, in spite of hostility and oppression, devoted their lives to forwarding our great Nation. And, it is a time for black Americans living today to bask in the glow of their rich and enduring heritage.

It would be impossible for me to name all of the black men and women who contributed significantly to our country's history; but, it should be recognized that those roles go back to the discovery of this continent by Christopher Columbus in 1492. Of course, we all learned about the historic ocean crossing by Columbus, but how many of us were told that the captain of the Nina was a black man? And, how many learned that a black man named Matthew Henson reached the North Pole before Robert Perry? It is also significant that Daniel Hale Williams, a black doctor in Cook County Hospital, performed the first open-heart surgery in 1893, and that research on plasma and blood transfusion by Charles Drew, a black Washingtonian, has been instrumental in saving millions of lives.

This month is also a time to reflect on the pivotal role that black people have played in the struggle for freedom and democracy—to recall that Crispus Attucks, a black man, was the first to die for freedom at the Boston Massacre, and that two blacks were with George Washington when he crossed the Delaware. It is a time to reflect on the bravery of Sojourner Truth and Harriet Tubman, who risked their lives to transport slaves to the North where they could be free.

And, this month is an appropriate time to remember the dignity and bravery of Rosa Parks and Linda Brown, Mary McLeod Bethune and W.E.B. DuBois, Martin Luther King, Jr., and Paul Robeson—and to note the ongoing contributions of our fellow Americans such as Thurgood Marshall and Andrew Young, Doug Williams and Debi Thomas. Surely, we in Congress need not look any further than our own Chamber to note the crucial role black Americans play in our Nation's governance.

Black History Month is a time for all of us to recognize what came before and to look forward to a prosperous and inclusive future.

By reclaiming black history, our Nation is both rectifying the omissions of the past and enriching our national heritage with the brilliance, the dignity, and the unshakeable commitment to freedom of black America.

Mr. DIXON. Mr. Speaker, I rise on this occasion to join my other colleagues in saluting Black History Month. Throughout the month of February millions of Americans across the United States are gathering to commemorate Black History Month.

In 1926, Dr. Carter G. Woodson, founder of the Association for the Study of Negro Life and History, first proposed the idea of observing the achievements of black Americans each year. First observed as Negro History Week and now as Black History Month, the occasion has come to be much of what Dr. Woodson wanted—a chance for all Americans to learn more about the vast contributions by black Americans to our Nation's history.

As part of this month-long remembrance, I recently had the distinct privilege of attending a presentation of "Eyes on the Prize." This critically acclaimed series, which was shown in my district in Los Angeles, on February 11 at the Afro American Museum, details the spirit, stories, and events of the civil rights struggle in America during the critical years of 1954–65. I commend the Public Broadcasting System for its timely airing of this enlightening series and other well documented programs during Black History Month. It is a fitting and welcome addition to the body of knowledge illuminating the black experience in America being celebrated this month.

But, Mr. Speaker, Black History Month is about more than the presentation of television programs—however valuable they may be in detailing the black experience in America—and paying tribute to our ancestors for their accomplishments. Black History Month is also about the reaffirmation by each and every black American of the three intangible qualities—pride, perseverance, and dignity—that serve as vital building blocks in our heritage.

Can any of us imagine how far Marcus Garvey, W.E.B. DuBois, Sojourner Truth, Martin Luther King, Jr., Phyllis Wheatley, or Madame C.J. Walker would have gotten in their individual struggles had they not had ample reserves of these character traits to draw upon?

And, more recently, what of Doug Williams—quarterback of the world champion Redskins? Mr. Williams, as the Nation and the world recently witnessed, is a modern day embodiment of these three character traits. Today, he sits atop the professional football world.

Mr. Speaker, as we round out this month's commemoration of Black History Month, I hope, as Dr. Woodson hoped, that all Americans—regardless of race, creed, or color—will take the opportunity to learn about and reflect upon the significance of our contribution to the Nation's history. Then, as we move further along the path our forefathers forged for us, our understanding of each other—our history, our way of thinking—will lead us closer to the state of true brotherhood.

Mr. GUARINI. Mr. Speaker, I am delighted to draw to the attention of the United States, the 62d celebration of National Black History Month, a time to reflect on the many contributions of blacks to America. I think it is entirely fitting that we join Congressman STOKES in commemorating this occasion, to honor those past and present who have helped make this Nation so great. This year's theme, the Constitutional Status of Afro-Americans into the 21st Century, is very appropriate since the promise of equality remains elusive.

In the struggle for freedom, Afro-Americans have made significant contributions to our culture, even though a horrible practice called slavery was in force during early times. The very first blacks to settle in America may have arrived with expeditions led by Christopher Columbus, starting in 1492. The most noted, however, was Estevanico, who crossed what are now Arizona and New Mexico on an expedition sent by Antonio de Mendoza. In later years, Crispus Attucks, a freed slave, would lead the protest against British injustices that became known as the Boston Massacre in 1770. Attucks gave his life for American independence.

An escaped slave, Frederick Douglass, was one of our Nation's most influential diplomats and journalists during the 19th century. Also, Harriet Tubman and Sojourner Truth went beyond the call of duty to inspire their brothers and sisters and push for freedom. Booker T. Washington urged blacks to concentrate on economic advancement, spend wisely and respect hard labor, while W.E.B. DuBois dedicated his life to the advancement of black people. George Washington Carver's discoveries revolutionized southern agriculture. Mary McLeod Bethune, U.S. diplomat Ralph Bunche, and Robert C. Weaver made major contributions to the fields of education and political science.

Granville T. Woods, the inventor of air brakes and other equipment that made rail

travel safe, Jan Matzeliger, who revolutionized the shoe industry, and Lewis H. Latimer, Thomas Edison's assistant, were best known for their magnificent work during the industrial revolution. Their contributions helped the United States during its most significant period of industrial expansion.

After World War II, the new movement for civil rights lead to innumerable achievements in black history. Decisions such as Brown versus Board of Education of Topeka are milestones forever etched in the minds of black Americans. During the same era, Rosa Parks became a leading symbol by refusing to ride the back of the bus. Another great leader in American history, Rev. Martin Luther King served as a drum major for justice, peace, and righteousness.

During the early 1960's, Dr. King's efforts and the work of countless leaders and civil rights groups helped put an end to discrimination in public places such as restaurants, hotels, and theaters. At the same time, many blacks continued to achieve a number of firsts, in the areas of art, entertainment, and sports. Black Americans have demonstrated the ability to endure the battle against racial prejudice, and that endurance will remain a standard for future economic and social progress.

Mr. DWYER of New Jersey. Mr. Speaker, it is a distinct honor to join with my good friend and colleague, Mr. STOKES, in commemorating Black History Month.

Looking back on the history of blacks in America, the first word that comes to my mind is courage. In the face of often crushing odds, individual black Americans took a stand for justice and the rights guaranteed every American under our Constitution.

The list of such courageous Americans is at once long and distinguished, led by the Reverend Martin Luther King, Jr. This year, we will note the 20th anniversary of his tragic death. This country lost a great leader, but Dr. King's legacy of justice and peace will endure forever.

Black History Month reminds us of the many battles for justice that have been waged and won over the years, through the dedication and bravery of those who fought to end discrimination, outlaw segregation, and secure the right to vote. The first black American to cast a vote—Thomas Peterson—was from the city of Perth Amboy, NJ, which is in my congressional district. Mr. Peterson has been the focus of numerous tributes and a source of great pride for our city and State.

As we look back on the countless black Americans who have worked so honorably for a better and more just society, we must also look at the present and future for black Americans. While tremendous progress has been made, there is no question that more must be done.

Minorities in this country still suffer from discrimination and higher rates of unemployment and poverty than their white counterparts. We must work cooperatively and aggressively to combat poverty, to lower infant mortality rates and increase the participation of blacks and other minorities in higher education.

As we work to address these problems—knowing that all Americans will benefit from this united effort—we can learn a great deal from those individuals who have dedicated themselves to equal opportunity and civil rights.

During Black History Month, it is their powerful example which we salute. The legacy of these brave men and women can help guide us in our efforts to fully realize Martin Luther King's eloquent and historic dream of freedom and justice for every American.

Mr. RODINO. Mr. Speaker, the celebration of Black History Month in February is a time to acknowledge the notable achievements of black Americans and to recognize the contributions that blacks in every field have made to enrich the fabric of American life. By paying special tribute to black Americans, we ensure that the full scope of American history is presented today and passed on to future generations tomorrow.

But Black History Month is much more than a celebration of the past. It also provides a unique opportunity for all Americans to reflect upon the long struggle for freedom in our Nation, to appreciate the indomitability of the human spirit and to renew our commitment to the goals of a fairer and more just society.

Blacks have been at the forefront of our national struggle for freedom from the very beginning. One of the first Americans to give his life for freedomn was a black man. Crispus Attucks died at the hands of British troops in the Boston Massacre in 1770. He spilled his blood for liberty—despite the fact that it would be almost another 100 years before slavery was abolished.

The freedom cry sounded by Crispus Attucks was loudly echoed in the words and deeds of Frederick Douglass, Dred Scott, and Harriet Tubman as they courageously sought to end the stain of slavery. When abolition did not bring true equality, the mantle of justice was carried forward by such pioneers as James Weldon Johnson and W.E.B. DuBois.

In our lifetime, black Americans such as Mary Bethune, A. Philip Randolph, Vernon Jordan, and most notably—Dr. Martin Luther King, Jr.—led America toward, what Dr. King called, the "sunlit path of racial justice." They aroused the conscience of America and inspired us to achieve our true greatness as a nation. The milestones along this path, which I was proud to help erect, were the Civil Rights Acts, the Voting Rights Act, the Fair Housing Act, nutrition and education programs, legal services, to name but a few. What these black Americans brought about was a social revolution in our country as their struggle became everyone's struggle and their achievements became America's achievements.

What we learned from this enduring legacy was that the human spirit cannot be imprisoned by any man-made barrier. Against the obstacles of slavery, injustice, and discrimination, black Americans fought for equality with courage and dignity. Marches, demonstrations, sit-ins, countless hardships, and imprisonment were part of the long battle and the deep wounds suffered by blacks. Many risked—and sometimes gave up—their lives in this noble cause. Yet in triumph and in tragedy, the fight for equality continued.

Black History Month also reminds us that the struggle is not over. The preservation of civil rights is threatened, while poverty and hunger reflect economic equality. We must remain vigilant in protecting the accomplishments of the past by reaffirming our commitment to true equality today. Our responsibility for building a fairer and more just society remains as strong as ever.

For all of these reasons, Black History Month is a special occasion to acknowledge and honor the countless contributions of black Americans. At the same time, we cannot separate black history from the history of our country. The struggle of black Americans serves as an inspiration and a reminder; their courage is a cherished tribute to the human spirit and the profound changes in our Nation wrought by blacks continues to benefit us all.

Mr. Speaker, millions of Americans are joining in thousands of cities and towns across the United States to celebrate Black History Month. I am particularly proud of the many activities in my own congressional district. With your permission, I would like to include in my remarks the following highlight of the special Black History Month celebrations in the 10th Congressional District.

[From the East Orange Record, Feb. 4, 1988]

CULTURAL EVENTS WILL HIGHLIGHT BLACK HISTORY MONTH

(By Michael A. Wattkis)

Local community groups and centers, universities and museums early this week kicked off February as Black History Month in honor of America's black culture with an educational and entertaining array of lectures, seminars, dance, music and theatre.

Private and state universities will highlight the month-long celebration with a focus on the past and present contribution of black America, the civil rights movement and early black American history.

Cultural groups, art centers and museums will showcase Afro-American culture with dance, music and poetry.

"We have a true potpourri of Black cultural activities, ranging from poetry to music, to fine photography," said Celeste Bateman, supervisor of the Newark Division of Cultural Affairs.

The celebration of black culture was initiated about 1915 by noted black scholar and editor of the Negro History Journal, Carter G. Woodson.

The celebration began as a week-long event around the birthday of the "Great Emancipator" Abraham Lincoln and gradually grew to its month-long length.

New Jersey Network, Channel 50, throughout the month will present a compelling series of programs that explores the contributions, achievements, struggles and triumphs of black America. The programming includes a series of specials, documentaries and films.

A special encore presentation of the award-winning, six part documentary, "Eyes on the Prize" opens the special programming schedule. On Feb. 9, 10 p.m., two episodes will be aired and the others Feb. 16, 23, and March 1.

The documentary, narrated by Julian Bond, chronicles the "events, struggles and undaunted spirit" of the civil rights movement in America between 1954 and 1965. Contemporary interviews are mixed with actual film footage depicting this turbulent period. It also depicts the emergence of the civil rights leaders such as the Rev. Dr. Martin Luther King, Jr. and the "awakening of black America as a political force."

Other programs on NJN include "Cissy Houston: Sweet Inspiration," Feb. 10, 10 p.m. This feature chronicles Houston, mother of popular pop artist Whitney Houston of East Orange, early singing career as a member of a gospel quartet to her days with nieces Dionne and Dee Warwick up to her formation of her singing group Sweet Inspiration.

On Feb. 25, 8 p.m., the station will also present "In Remembrance of Martin," an hour-long tribute to the late civil rights leader and winner of the Nobel Peace Prize. Rarely seen footage of King is combined with excerpts from the January 1986 ceremony that marked the first national to honor his birthday.

NJN's "State of the Arts" program will dedicate all of its programs throughout the month to the cultural heritage of blacks.

On Feb. 20, WABC-TV's News Anchor Roz Abrahams will be the special guest at the Fifth Annual Black History Month Breakfast at Scott's Manor, Orange. The 10 a.m. breakfast is being sponsored by the National Council of Negro Women of the Oranges and Maplewood.

In East Orange, The Bookstore & Company will sponsor a poetry reading, entitled "Rhymes and Reasons" on Feb. 6, from 5 p.m. to 8 p.m.

Featured poets are Layding Kaliba, Jeleelah, Linda A.H. Walker, Sandra West and Guy Whitlock. The Bookstore is located at 263 Central Avenue, near Munn Avenue.

Additionally, Clifford Scott High School has a month long series of events planned honoring the achievement and history of Afro-Americans.

"The Jimmy Heath Quartet" will inaugurate the Newark Museum's series, "Black in the Arts," Feb. 7, 3 p.m. at the Second Presbyterian Church at the corner of Washington and James Street, downtown Newark.

A composer and conducter, more than 50 of his works have been recorded by numerous jazz artists. Television reporter Gill Noble, host of WABC-TV's "Like It Is," will talk to Health about his career and music. The discussion will be interspersed with musical compositions and examples. Admission is free.

The museum will host a free Children's Live Theatre, Feb. 6, 1:30 p.m. in Program Hall. Edmund Feliz and Hilary Bader will perform "African Folk Tales," a potpourri of stories, dance, mime and music.

At Rutgers University on Feb. 19, a panel of scholars—Basil Davidson, Robert Farris Thompson and Sterling Stuckey—will discuss the Transatlantic Slave Trade in the Paul Robeson Student Center from 9:30 a.m. to 5 p.m. Admission is $5 for the public and $3 for students.

Seton Hall University began its celebration with a candle light vigil in honor of Dr. King earlier this week and will continue a menu filled with events.

This afternoon at 7 p.m. in the Student Lounge, the Rev. David Lee will lecture on "Aids in the Black Community." Then on Feb. 7, 3:30 p.m. in the Main Lounge, Rockaway Review, a traveling senior citizens group, will present "On the Road Again." Admission is $6.

Then from Feb. 8-26, the Pallotine Institute for Lay Leadership and Apostlic Research, in conjunction with the Archives of Seton Hall and the Archdiocese of Newark, will present an exhibit entitled "A Statement of Need: Black Catholic Evangelization."

Mr. YATES. Mr. Speaker, Black History Month is a very significant event and I am encouraged by the growing national support that we see for this observance in the media, in school curricula and events, and in community activities. Today's special order is a part of that growing tradition and I am very pleased to be a part of it.

It is impossible to discuss the lives and contributions of individual black Americans without feeling a sense of genuine gratitude and pride. The process makes our history more valid, accurate and humane and that is a very good thing for all of us. It is also the reason I am enthusiastic about Black History Month and its many contributions, both direct and subtle, to decency, scholarship and basic citizenship.

The current issue of Dial magazine has a very eloquent article by Wallace Terry on Black History Month. I recommend the entire article to everyone and I ask that the first part of the article be printed at this point in the RECORD.

BLACK HISTORY MONTH

(By Wallace Terry)

I grew up believing the worst that I could about myself—that I was inferior to whites—largely because I didn't know much about black history, which is to say, about the true role of black people in *American* history.

Hollywood had conspired with my textbooks to hide my black heritage, one as glorious as any other. In the process, like most everyone else white or black, I was made woefully susceptible to the shame, shibboleths and sins of propagandistic myth.

Oh, I cheered Joe Louis and Jackie Robinson, listened to Nat "King" Cole and Duke Ellington. Of course there is nothing wrong with running fast and having rhythm, unless that is the limit of your own and others' perceptions of the black contribution.

If anyone had told me that black bandits rode with Billy the Kid or that a black army scout died in the arms of Chief Sitting Bull after the Battle of the Little Big Horn, I would have called him a fool. "If you were black, get back," we used to say. Hollywood was white and right. There were no blacks around when Jane Russell nursed Jack Beutel's Billy the Kid in *The Outlaw*. Only whites died with their boots on when Errol Flynn played Custer making his last stand.

The only blacks we saw in the movies had names like Buckwheat and Butterfly, Mantan ("Feets Do Your Duty") Moreland and Steppin' Fetchit. They spent their screen time running around pantries and jumping wide-eyed from haunted houses. No one let them near a gun, much less a role with dignity and self-esteem. They didn't even have a good shot at losing a battle (unless Tarzan turned the elephants loose on some blood-thirsty Watts-grown black savages) or at being rounded up by Hopalong Cassidy.

The textbooks were little better. When I looked up Civil War, I found images of grinning pickaninnies picking massa's cotton. I thought we had sat out that war. And that, of course, is what was wanted: to keep blacks looking down, because you cannot rise up looking at your feet, nor think well of yourself without knowing the truth.

I grew up believing Victor Mature crossed the Alps. Liz Taylor ruled Egypt. Charlton Heston and Yul Brynner turned the elite British troops back at New Orleans. Gary Cooper—no one black—made the world safe for democracy. And John Wayne won World War II single-handedly.

My school books seemed to see my history the same—without me. Washington crossed the Delaware in a lily-white boat. Grant led a "whites only" army south to save the Union and free the slaves. Whites alone ran down Geronimo. Whites chased up San Juan Hill. Whites were invincible. Blacks were invisible.

In truth, black men fought in black Hannibal's armies, and in Alexander's and Caesar's, too. One-quarter of ancient Egypt's population was pure black, as were several of her Pharaohs. But I never heard about that when I studied the classics. Nor did I learn in religion studies at Brown University that there were black Popes in the Roman Catholic Church. No one explained why there were Olmec heads—colossal stone figures with features like Louis Armstrong—in Mexico 2,000 years before Columbus. Until I read J.A. Rogers' histories, no one told me Aesop and Akhenaton were black. And Alessandro de Medici and Chevalier de St. Georges and Aleksander Pushkin and Alexandre Dumas and Samuel Taylor Coleridge, too.

In truth, black men marched to the Brandywine, Yorktown, the Bulge and trod the Burma Road. And across the true pages of American history we see explorers and inventors, scientists and artists as well: Manuel Camero joining the original settlers of Los Angeles. Jean Baptist Point DuSable starting a settlement that became Chicago. Jim Beckwourth finding the pass for the Gold Rush. Jan Matzeliger building a shoe lasting machine. Lewis Temple developing a revolutionary harpoon. Elijah McCoy inventing a device to lubricate moving trains. Norbert Rillieux revolutionizing sugar refining. Lewis Latimer working with Edison on the first carbon-filament electric light bulb. Percy Julian finding a drug to relieve arthritis. Ira Aldridge performing Othello in St. Petersburg. Henry Ossawa Tanner painting in Paris. Selma Burke designing the Roosevelt dime.

"You gotta be the Indian," some white kid would tell me. "You gotta be the Jap." Why? "'Cause you're a darky just like them." Black children grew up for so long in America losing even at the games children play. In high school, a Jewish classmate asked me why my ancestors didn't rise up against slavery as hers had against Pharoah. I didn't know what to say, because I didn't know about Nat Turner, Denmark Vessey and 300 recorded slave insurrections. I didn't know about 200,000 blacks who fought in Union blue and 200,000 more who foraged for food, carried messages, built roads and camps. I didn't know my own great-great uncle was a drummer boy for the famed 54th, the black regiment that marched from Massachusetts to meet the Confederates at Ft. Wagner, South Carolina. I didn't know about the Buffalo Soldiers—so named by foes in the Indian wars—who rode from the Dakotas to the Rio Grande to win the West for a white America that was not always grateful. Blacks started the charge up San Juan Hill that Teddy Roosevelt's Rough Riders would get credit for, and black regiments won the Croix de Guerre from France in World War I. I didn't know my own uncles fought the Germans in Italy.

I know better now. And others should, too, in large measure because of Black History Month, our annual reminder that we should correct Hollywood and a thousand history books. Black History Month has

raised the national psyche and my own black psyche. And I hope it will ever decrease racial ignorance and racial arrogance until the time comes when all history is one.

Mr. PEPPER. Mr. Speaker, this is Black History Month, a time for Americans of all races to pause and celebrate the special contributions of blacks to our Nation. There are many such individuals starting with Crispus Attucks who was killed by the British in the Boston Massacre of 1770 and continuing on to the present generation of educators, entertainers, athletes, writers, civil rights leaders, scholars, and other professionals. Today I would like to recognize a great Floridian, Mary McLeod Bethune who overcame the dual handicaps of being born both black and female to leave a lasting legacy.

She was born on July 10, 1875, the daughter of former slaves, and grew up in Mayesville, SC. She studied at Scotia Seminary in North Carolina and was graduated from the Moody Bible Institute in Chicago. She dreamed of being a missionary but when her application for a post in Africa was turned down by the Presbyterian Board of Missions, she channeled her formidable energies into educating young people.

In 1904 she founded the Daytona Educational and Industrial School for Negro Girls in Daytona Beach, FL. It merged with Cookman Institute and she became president of Bethune-Cookman College.

Herbert Hoover noticed her remarkable talents and asked her to help with the White House Conference on Child Health and Protection in 1930. Franklin Roosevelt also called on Mary McLeod Bethune. She served on the advisory committee of the National Youth Administration that granted funds to deserving students, especially blacks, for graduate study. At the same time she was appointed to head the Office of Minority Affairs, the first black woman to administer a Federal agency.

During World War II she was special assistant to the Secretary of War, helping to select officer candidates for the Women's Army Corps. Afterward she served as a consultant on interracial relations at the San Francisco conference which established the United Nations.

Mary Bethune founded the National Council of Negro Women in 1935, the same year she was awarded the Spingarn Medal, and later was elected vice president of the NAACP.

She died on May 18, 1955 in Daytona Beach but her memory survives in the generations of men and women who owe their ability to receive an education to her exceptional leadership.

□ 1915

GENERAL LEAVE

Mr. STOKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. HUBBARD). Is there objection to the request of the gentleman from Ohio?

There was no objection.

SOAPY WILLIAMS: A MAN TO BE REMEMBERED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BROOMFIELD] is recognized for 60 minutes.

Mr. BROOMFIELD. Mr. Speaker, I rise today to join my Michigan colleagues and others in paying tribute to a legendary former Governor of Michigan, G. Mennen "Soapy" Williams, who died 2 weeks ago.

Soapy Williams as he was affectionately known, was an institution in Michigan politics, and someone whom I had a great deal of respect for, despite the fact that we came from different political parties and often did not agree on the issues. Soapy Williams was perhaps one of the best known and best liked public figures Michigan has ever produced, serving as its Governor, as a U.S. Ambassador, and as a Michigan Supreme Court judge.

Governor Williams and I got to know one another during our years together in Lansing, MI. He was first elected Governor in 1948, the same year I was elected to the Michigan House of Representatives, and we served together there the 8 years I served in the legislature.

He was responsible for a massive State building and highway expansion program, and perhaps is best known for the completion of the Mackinac Bridge, which connects lower and upper Michigan.

In later years, we kept in touch with each other here in Washington. When Soapy was then serving in the Kennedy administration as Under Secretary of State for African Affairs, he would often testify before our House Foreign Affairs Committee. He always approached his job at the State Department with the same boundless enthusiasm as when he was Governor, and I found his testimony to be eloquent and forthright.

Soapy Williams added so much color to politics with his magnetic personality and green bow tie. He was truly an outstanding public figure and vote getter in Michigan.

My wife, Jane, and I want to extend our deepest sympathies to his lovely wife, Nancy, and their children.

Mr. FORD of Michigan. Mr. Speaker, G. Mennen Williams was a giant in the history of the State of Michigan. Few men have contributed more to their State and country than Soapy Williams contributed to Michigan and our Nation. He was a gifted leader, statesman, and jurist who was far in advance of his times.

Governor Williams was one of those rare men born into wealth who had an instinctive common touch. He was unique in having the strength and understanding to meet and exchange concerns with the poorest and the most powerful. Throughout his long and distinguished career he used both his talents and his high station to improve the lot of those who were less fortunate than he.

Soapy Williams was not just a six-term Governor of Michigan, not just a visionary leader who helped unite the people of Michigan around a progressive political program—as he united the two peninsulas with the Mackinac Bridge. Soapy was an inspiration.

For my generation, Governor Williams set the kind of example that John Kennedy set for my children. Like JFK, he proved by his idealism and his deeds that public service is an honorable commitment, that there is a higher calling than personal gain.

Soapy's governorship was remarkable achievement, the culmination of an outstanding career for most men. But Governor William's contributions to Michigan had only begun.

After distinguished service in the U.S. State Department, Governor Williams became Justice Williams and, finally, Chief Justice Williams. His training for the State's highest court was the best possible. After graduating first in his class at the University of Michigan Law School, the young Soapy Williams clerked for the U.S. Supreme Court. The Justice he served was Frank Murphy, Michigan's only U.S. Supreme Court Justice.

Justice William's two 8-year terms on the court were marked by his brilliant intellect, his deep experience and understanding of government and the law, and his great compassion.

The people of Michigan mourn the loss of this man and his abiding sense of civic duty and pride. We will miss Soapy William's boundless energy, his wide smile, his enthusiasm, and his leadership.

And I will never forget the honor and the pleasure of joining Soapy in so many campaigns as he plunged into a crowd, always instantly recognized and joyously received. I will miss him.

Mr. BROOMFIELD. Mr. Speaker, I yield to the dean of the Michigan delegation, the gentleman from Michigan [Mr. DINGELL].

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I want to thank my very dear friend, the gentleman from Michigan [Mr. BROOMFIELD], with whom I have always worked very closely and very happily and in the greatest spirit of mutual respect and esteem on behalf of the projects and matters of concern to our State. He is a great Member of this body and is properly respected both here and at home.

Mr. Speaker, today I, my colleagues of the Michigan delegation, and fellow House Members who are familiar with the many accomplishments of Soapy Williams, pay tribute to one of this Nation's great public servants. G. Mennen Williams, better known throughout his career as "Soapy," passed away February 2, at St. John Hospital in Detroit. Soapy approached life with vigor and enthusiasm. Daily he would rise at 6:30 to exercise and take long strolls with his wife Nancy. At the age of 76 he was a member of

the faculty at the University of Detroit Law School and working on plans for a trip to the Soviet Union with other lawyers and judges.

Soapy brought to his career as a public servant the same vigor and enthusiasm so evident in his personal life. In 1948 he mortgaged his Grosse Pointe home and set off with his wife in their convertible DeSoto, determined to become the Governor of Michigan—a goal he had envisioned since his college days at Princeton. He achieved that goal in 1948. He was elected Governor of Michigan for six consecutive terms, winning the approval of the Michigan voters more times than any other Michigan Governor who had preceded him.

In 1961 Soapy Williams accepted a post in the Kennedy administration as Assistant Secretary of State for African Affairs. Despite Soapy's lack of experience in foreign affairs, he worked hard—bringing the same vitality to his role as Assistant Secretary of State as he had brought to his role as Governor. He advanced the policy of encouraging independence movements in colonial African countries, becoming in the eyes of former Secretary of State Dean Rusk, "one of the best appointments" that President Kennedy made.

In 1966 Soapy relinquished his post with the State Department to run for a seat in the U.S. Senate. Regrettably, Soapy suffered from health problems during his campaign and suffered his first and only defeat at the polls. In 1969 he accepted the ambassadorship to the Philippines under President Johnson, a position he held for 1 year before returning to Michigan. After his return Soapy was elected to the Michigan Supreme Court for an 8-year term. He was reelected to the post in 1978 and served the maximum statutory tenure until 1986, serving his last 3 years on the court as chief justice. He was a strong advocate of individual rights and, as chief justice, expedited court cases at both the trial and appellate levels.

But we are here today not only to list the many accomplishments of Soapy Williams. We pay tribute to the man. Soapy Williams was, above all, a man of the people, a man who wished to be remembered as one, "who brought government to the people and who worked with the public to get them involved in government." He was a man of honor and great integrity—and it showed. People were drawn to Soapy Williams as a man they could trust and as a man who truly cared about them. On the campaign trail, and in the many posts he held throughout his distinguished career, Soapy Williams always went the extra mile. It went well beyond shaking hands and making speeches. He was deeply concerned about the people of Michigan.

In his youth, Soapy first decided to make his career one of helping those less privileged than himself. It is a course which he never abandoned during his 50 years as a public servant. Soapy's record on civil rights and assistance to the poor is to be commended. He appointed the first black judge in Michigan and also was the first Michigan Governor to name blacks to State government posts. Always he showed himself as a champion of the working class and racial harmony.

Soapy was a family man and a man of God. He was above all a father, a grandfather, and a loving husband—a caring generous man in every respect. Soapy was also a leading member of the Cathedral Church of St. Paul whose religious convictions helped shape his sense of public duty. When unable to make up his mind politically, Soapy would fall back on his moral sense. He called this simply, "the right thing to do."

There was one aspect of politics which never came easy to Soapy—the art of compromise. He once called compromise, "a word that didn't fit into my vocabulary very well." To compromise was to betray the vision he held for the State of Michigan and the proper way for people to live together everywhere. The proclamation, "Africa for Africans" got Soapy barred from the country of South Africa and earned him a punch in the jaw from a man in Rhodesia. But to not say it would have been a compromise of his conviction.

Soapy also never backed down from what he felt was right for the people of Michigan. Some called the Mackinac Bridge project "Soapy's folly" but when construction was completed in 1957 it was hailed as an engineering miracle with countless benefits for the people of Michigan. He improved staffing in schools and mental hospitals and did much to establish Michigan's four-land freeway system. He was instrumental in implementing civil rights legislation and improving housing, education, and youth corrections programs. These are but a few of the monuments to the vision of Soapy Williams—a vision which is evidenced in so many of Michigan's accomplishments over the past 50 years.

Soapy. He was ridiculed by the press for his green and white bow tie and so it became his trademark. He liked it for the instant recognition it gave him. He was probably the only Governor who called as many square dances on the campaign trail as he gave speeches. I know that as a friend, as well as a colleague, I shall miss Soapy much. He served in so many ways; at the State level, as a diplomat, and even as a decorated Navy flier in World War II. He brought his love of life to every challenge he ever undertook and won the respect and admiration of many along the way. His warm, folksy style endeared him not only to the people of this Nation, but also to many on the continent of Africa and in the islands of the Philippines. I know I speak for many in sending out to Soapy's family and his loved ones my deepest heartfelt condolences. He was our friend and he made us feel good about ourselves, about our Government, and about our world. That was Soapy, always presenting us with new goals to strive for and new ideals to embrace. He embodied the spirit of the people and we shall miss him dearly.

Mr. Speaker, I yield to my dear friend, the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to express my appreciation to my colleagues, the gentleman from Michigan [Mr. DINGELL] and the gentleman from Michigan [Mr. BROOMFIELD], for asking this special order this evening and providing all of us an opportunity to pay tribute to the memory of G. Mennen Williams, and also to extend our deepest sympathy and our heartfelt thanks to Nancy Williams and to the entire Williams family for sharing "Soapy" with all of us.

"Soapy Williams was an extraordinary man. He was a 6-term Governor of the State of Michigan, Under Secretary of State for African Affairs, Ambassador to the Philippines, State supreme court justice, and chief justice. These are the highlights of his professional life, a life committed to public service, a life with a passion for social justice, a life that touched so many and that truly made a difference.

But "Soapy" Williams was more than his accomplishments. He was a loving husband, a caring and sensitive father, and to an entire generation he was an example, a mentor, a teacher.

He showed us that public service was an honorable undertaking. He taught us that no one, regardless of sex, color, or nationality, could be left out of the political process. He set the highest possible standard, and he challenged us all. He was a man of great depth and unequaled compassion. He was basically a shy man, but he loved people and that love was always returned.

Men like "Soapy" Williams do not come along very often. We shall miss his presence, his patience and his passion. We shall miss his ready smile, his polka-dot bow ties, and his leadership. But his imprint on our lives is indelible, and his legacy shall forever be our inspiration.

Mr. DINGELL. Mr. Speaker, I thank my dear friend, the gentleman from Michigan.

Mr. Speaker, I now yield to my good friend, the gentleman from Michigan [Mr. SCHUETTE].

Mr. SCHUETTE. Mr. Speaker, much has been said about "Soapy" Williams,

the Governor of our State of Michigan from 1949 to 1961, about his service at the State Department, as Ambassador to the Philippines during the late 1960's, and certainly for 15 years on the Michigan Supreme Court with 3 of these years as chief justice.

I never had the opportunity to meet "Soapy" Williams personally. That is my loss. But he certainly has been a legend in our State politically, and in terms of the government and history of modern day Michigan. He truly, to me and, I think, to others in my generation, is a model and has been a model of integrity, of duty, and of strong character and commitment to Michigan and commitment to our country. I think those are the key traits that "Soapy" Williams stood for and for which he will be remembered for years to come.

Mr. Speaker, I thank my dear friend, the gentleman from Michigan [Mr. DINGELL] for yielding.

Mr. DINGELL. Mr. Speaker, I thank my dear friend, the gentleman from Michigan [Mr. SCHUETTE].

Mr. Speaker, I yield to the distinguished gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Speaker, I thank the dean of the delegation, who is such a good friend to us.

I have so many memories, as so many do, of "Soapy." In a political sense, I remember his razor-thin victories. There were 2 of them, within a few thousand votes. He had a bit of good luck, but he had even more in the way of a strong effort, and he earned those close victories.

I remember, when I was only in my teens and early twenties, his fight for better education, and it was with a legislature that was so badly misproportioned. It was hard for him to get any legislation through, but he fought on.

I remember well his fight for better mental health facilities. In those days he was kind of a voice in the wilderness, but it was a voice that would not be still. I remember well his fight for civil rights that was so badly needed in our State.

Again the reception was not always very warm within my State, but that did not dim his voice. In all of these areas he was ahead of his time, very much ahead of his time.

On a personal note, I also remembered when he appointed my father, my brother, Carl, and my sister to the Corrections Commission of the State of Michigan.

I remember how much our father enjoyed his service there and how interested "Soapy" was in modernizing correction facilities and, even more importantly, the corrections practices.

But I think, most of all, if I had to pick out one trait that I remember of "Soapy" it was integrity and a premium on honesty. He made public service a noble profession. In that and what he stood for, I think he was beyond comparison.

I remember well the stories Neil Stabler used to tell me—I succeeded him in the State chair, so we got to know each other very well—about the early days of "Soapy's" efforts and his struggles, first to be elected, and then his efforts and his struggles to be reelected. There were not in those days fancy public opinion polls, and there were not lots of PAC's. It was tough going even for an incumbent Governor. But "Soapy" had a standard, and that was to cut no corners, to always maintain and nurture pride in being in public service.

I see my colleague from Kalamazoo here, and also my colleague from the Pontiac area. They are a bit younger than I am. The chairman of our delegation is a bit older. But I think for all of us, it is true that "Soapy" paved the way. He was a beacon for the next half generation and indeed for the next full generation. It is up to us to sustain the strength of that beacon. So I am here today to pledge to Nancy, to pledge to the children, and to pledge to the grandchildren, the heirs of the Williams tradition—I had a chance to meet them before the funeral—that we will not let this beacon be extinguished.

Mr. Speaker, I pledge on behalf of myself and, I think, many others, that we will broaden the beacon, if at all possible. I pledge that while in one sense "Soapy" Williams is gone, he is still very much with us in spirit.

Mr. DINGELL. Mr. Speaker, I thank my dear friend, the gentleman from Michigan [Mr. LEVIN].

Mr. Speaker, I yield now to my dear friend, the gentleman from Michigan [Mr. CARR].

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Mr. CARR. Mr. Speaker, I applaud the gentleman from Michigan and our good friend Congressman BROOMFIELD for taking this special order to allow us to express our deep regrets at the passing of G. Mennen "Soapy" Williams and to extend to his lovely wife, Nancy, and their children our deepest condolences.

Soapy Williams was a very special person, as everyone here has said. He made the world a better place in very tangible terms, and while I think most all of us assessing our own mortality would like to do something to leave the world a better place, in truth very few have the significant impact that Soapy Williams and people like him have had, and similarly, those of us who were privileged to know him feel that we are better people for having had that privilege.

"Soapy" Gehard Mennen Williams, Governor, Ambassador, judge, those words remind us of his tireless work in public service. Generous, caring, champion of the people. Those words barely describe the individual. He was the kind of leader and person that rarely comes along and we in Michigan were blessed to have him with us for 76 years.

As Governor, Mennen Williams looked ahead. He saw the need for civil rights legislation, health care, and workers compensation. But unlike many who simply talked about those issues—he pushed substantive legislation to bring about change.

Change is a word that often scares people in public service. Change never scared the Governor. As Governor, Ambassador or judge, change meant working for the betterment of Michigan and our country. If change meant risk, so be it. If change meant being out front on a new issue—he was there. He did what needed to be done and he championed change for the right reason—for the people.

As a campaigner—he hit the road running—wearing out drivers half his age. Heir to a fortune—he square danced from the U.P. to Benton Harbor. With his trademark green and white polka-dotted bow tie, he probably shook hands with more people in Michigan than any other elected official. And, the voters responded—making him their chief executive for six terms. From there, his ability and compassion stretched out across the Nation to Africa and then the Philippines. Finally, back home to Michigan to the Supreme Court where his desire to make the state judicial system easier for the people became a reality.

I consider it an honor to have known Governor Williams. The State of Michigan owes him much—our country benefited from his leadership and ideas. The world is a better place because of him.

"Soapy." We will miss him.

Mr. DINGELL. Mr. Speaker, I thank the distinguished gentleman from Michigan for his valued contribution.

Mr. Speaker, this is one of many occasions on which citizens of Michigan and other good friends of Soapy Williams gather together to express the affection and respect and esteem in which they held this great son of our State.

It is interesting to note that when the funeral service was conducted, it was called by Soapy's wife, Nancy, and by those of his friends who assembled from all over, not a funeral, but a service of thanksgiving, a celebration of the goodness and the greatness of this wonderful man.

All who knew Soapy had cause to respect him for his integrity, for his decency, for his dedication to the public good and for his vigorous attention to the rights of his fellow citizens, his fellow men.

He was a churchman, a scholar, executive, politician, and as my colleague, the gentleman from Michigan

[Mr. CARR] observed, he was a man who brought distinction and credit on that great calling. He brought respect and esteem to that calling that it deserves.

There were many attributes of Soapy Williams which can be described tonight; his integrity, his goodness, his love for his fellow men, his great integrity, his love of his God, his vigorous and faithful devotion to his church.

One of the things which was known by all and recognized was his great personal integrity and the fact that at every turn he and his administration were totally without blemish and totally without stain, and never once was a question raised either as to the integrity or the decency, the propriety of his behavior or that of any member of his administration.

Indeed, at that time in Michigan this was something of a unique criterion and unique qualification for the body of which he was the head, which was the longest up to that time administration of continuous service to the people of the State of Michigan.

He personified not only goodness and decency in public service, but in private life. He left a family which grieved for his departure, but which cherished rich memories of happy associations with a fine and a decent human being.

I have mentioned many of his old friends who assembled, the body that assembled in the Cathedral Church of St. Paul, which was the church to which he so proudly and so faithfully belonged, was composed of persons of all walks of life in our State and persons of great personal distinction, persons of the most humble origins and estate; all were united in one great outpouring of affection and thanksgiving for the service of a great man.

Mr. KILDEE. Mr. Speaker, few people in Michigan politics have left such a rich and enduring legacy as G. Mennen "Soapy" Williams. Soapy Williams was both a personal friend and mentor to me. His life embodied the Christian principle of service to all, especially the downtrodden and the poor. He was a champion of the civil rights movement, appointing minorities to the State cabinet and to the courts in Michigan during his tenure as Governor from 1949–61. In addition he helped implement improvements in housing, education, and youth correction programs.

Often at odds with the State legislature during his time as Governor, Williams was able, nevertheless, to implement a strong liberal agenda against great opposition. This agenda included a comprehensive civil rights program, a tremendous increase in social programs and a massive state building and highway expansion program. Perhaps one of the most lasting economic developments that Williams left to the State of Michigan was the Mackinac Bridge, connecting the two peninsulas. The Mackinac Bridge stands as a physical reminder of Williams' achievements. However, I'm sure that he will be remembered not for the physical bridges he built, but the moral bridges he built that brought people together—bridges that spanned the chasm of injustice, prejudice, bias, and deprivation.

Williams also recognized that every human being has dignity and government's role is to protect that dignity. Theodore White, in his book "The Making of the President 1960," recounted how one of John F. Kennedy's lieutenants reported that Williams was a "man of strong convictions. He is a devout Episcopalian* * * [with] a strong religious drive which is completely intermeshed with his personal ambition." The reprot went on to say that Williams felt he should "* * * put the Sermon on the Mount into governmental practice." However, he never imposed his beliefs on those who did not share his views. His faith was the basis for his struggle for human dignity for all people. Everyone benefited from this approach—Christians, Jews, Muslims, people of all beliefs.

As the State Department's Assistant Secretary of State for Africa during the Kennedy administration, Williams encouraged then-emerging independence movements in colonial African countries by uttering "Africa for Africans" in Kenya in 1961. White-ruled South Africa banned him. Dean Rusk once said Williams was "one of the best appointments" President Kennedy made.

In 1970, Williams returned to Michigan and was elected a supreme court justice. He became chief Justice in 1983 and retired in 1986. When he retired Williams said he wanted to be remembered as a man "who brought government to the people and who worked with the public to get them involved in government."

The men who played an important role in my own personal formation were my father, the rector of the seminary I attended, House Speaker Thomas P. O'Neill and Governor G. Mennen Williams. Indeed, while studying in the seminary, it was Williams who helped me more fully understand that politics should be founded on strong moral principles.

Although my own children never knew Williams personally, they recognize that Williams contributed greatly to their father's understanding of human dignity and the necessity to promote, protect, and defend that dignity.

We all seek to leave this world a little better for our efforts, and to pass on to our children a world which is in some way better than the one we inherited from our parents. G. Mennen Williams certainly has left our State, our Nation, and our world a better place by his efforts and achievements.

Mr. CROCKETT. Mr. Speaker, I rise today in honor of G. Mennen "Soapy" Williams, one of the great progressive leaders of our time. In the last of his many public endeavors, he was one of Michigan's great supreme court judges; and he served ably as chief justice before retiring in 1986. I met him quite frequently at our judicial conferences and seminars while I served on the bench in Michigan. I remember the keen interest he took in revising the Michigan rules of criminal procedure and the rules of evidence.

On a more personal note—I recall a visit to the Williams home. He was a great admirer of African culture and had literally converted the basement of his house into a museum of African art.

But Soapy Williams will be best remembered by the millions of Americans of African descent for being the most effective and durable defender of a new approach to Africa. From 1961 to 1966, Soapy Williams served this country as Assistant Secretary of State for African Affairs. When it was announced that President Kennedy was naming him to that position, some argued that the Governor had no experience in foreign affairs. But I would argue that he did more to change the course of United States policy toward Africa and to point it in the right direction than anyone who has since held that job.

In 1961, Soapy Williams had the courage to call for an American pledge to help achieve the complete independence of all Africa by 1970. As Williams declared in the early 1960's in a memorable speech given in Nairobi, Kenya, "Africa [was] for Africans." He challenged President Kennedy to endorse "self-determination everywhere"—not just in Europe.

He had the wisdom to recognize the fallacy of a distorted United States policy toward African independence, based almost exclusively on East-West concerns. So, he urged the President to stand with African nationalists fighting for independence in Angola and Mozambique—not with their Portuguese overlords. Under his leadership, the Africa Bureau in the State Department established a scholarship program for Portuguese-speaking African refugees. And he called upon this country to "reestablish and expand our contracts with [African nationalists], overtly as well as covertly."

In 1959, before his tenure as Assistant Secretary, Williams told an African Freedom Day rally in New York that American "must exert leadership against the policy of apartheid." He had the foresight as early as August 1962 to oppose United States investment in South Africa because: "Apartheid," he said, "is so pervasive throughout the society that any assistance given to South Africa helps to support it directly or indirectly." And he told Congress that an arms embargo against South Africa, was "the least that the United States [could] do."

If Soapy Williams were Assistant Secretary of State for African Affairs today, the current fight over additional sanctions against South Africa wouldn't be necessary.

If Soapy Williams were Assistant Secretary of State for African Affairs today, Namibia would be free of South Africa's illegal occupation.

If Soapy Williams were Assistant Secretary of State for African Affairs today, this country would have normal and mutually beneficial relations with Angola—instead of siding with South Africa in its support of Jonas Savimbi's brutal destabilization of that country.

The last time I saw Soapy Williams, we were sharing a platform at a meeting sponsored by black lawyers to protest United States policy toward South Africa. At that meeting, he still clearly demonstrated the insight, the ideals, and the boundless enthusiasm that this country will so sorely miss. We

could certainly use his kind of leadership today.

Mr. HERTEL. Our late President John F. Kennedy wrote in his book, "Profiles In Courage":

For without belittling the courage with which men have died, we should not forget those acts of courage with which men have lived * * * A man does what he must—in spite of personal consequences, in spite of obstacles and dangers and pressures—and that is the basis of human morality.

One such man was G. Mennen "Soapy" Williams of Michigan. He was a man of courage who always did what he must in spite of personal consequences to fulfill his desire to be remembered, in his own words, "for being concerned with trying to help my fellowman."

Unfortunately, we lost this great public servant from Michigan suddenly, February 2, 1988. Thousands of people in Michigan, throughout the country, and even around the world mourn his passing.

Born of wealth with the opportunity to lead an easy life, Soapy chose instead to help people whose circumstances were less fortunate than his. He decided early in life that he could best fulfill that goal by becoming involved in Democratic politics and public service.

He helped to breathe new life into a faltering Michigan Democratic Party when, in 1948, he ousted the Republican Governor and went on to serve an unprecedented six terms as Governor of the State of Michigan. In the tradition of his hero, Franklin Delano Roosevelt, he did whatever he could to expand the idea of the possible. G. Mennen Williams recreated the two party system in Michigan with door-to-door campaigning. As Governor, he opened public service and politics to minorities. He always tried to take action with an eye toward the future. As a personal testimonial to his vision, the Mackinac Bridge links Michigan's upper and lower peninsulas in vital interdependency—a project that was labeled "Soapy's folly" at the time Governor Williams proposed its construction.

He gave a personal touch to his public service. His ever-present green polka dot bow tie was a symbol that became well-known not only in Michigan and national political circles, but also to the residents of many newly forming African nations who came to know him as the Assistant Secretary of State for African Affairs under President Kennedy. The bow tie, the warm smile, the firm handshake, they were always there for everyone he met.

I'll never forget the first time I shook Soapy's hand. I was only 12 years old when I saw him riding with John Kennedy during a campaign swing along Eight Mile Road. Soapy went out of his way to meet people, he remembered them and I know, personally, that people remembered him.

Soapy Williams was always a real person as much at home as a square-dance caller as he was heading the Michigan Supreme Court. His goal was always good government. Soapy's public and personal conduct were a reflection of that goal, he listened to all views, held to his convictions and, while he may have vigorously attacked the issues, he never attacked the people who espoused those issues. Soapy Williams was a man of integrity and warmth with a spirit of dedication that is often rare in this day and age.

Like the thousands and thousands who knew him, I shall miss him tremendously, not only because he was a great leader but also because he was a personal friend who chose to reside within the boundaries of my congressional district. Soapy was always ready to give his advice and support to someone who grew up in his shadow. He was never heavy handed in his guidance though he easily could have been given his credentials. He was always willing to help in any way that he could.

Soapy Williams never stopped serving the public despite his official retirement from public office in 1986. He remained active, lecturing, traveling, attending meetings, and lending his support to charitable causes. Together with his beloved wife, Nancy, he remained a vital force in Michigan politics to the end.

Soapy Williams will long be remembered as a man who lived a life of courage and did what he must in spite of obstacles and dangers and pressures. We are all better for having known Soapy Williams and we will long reap the fruits of his legacy.

Mr. ANDERSON. Mr. Speaker, the list of public accomplishments of the late G. Mennen "Soapy" Williams will be mentioned many times here today by colleagues of Soapy who served with him in one capacity or another over the years. I take due note of those accomplishments and add my words of praise for the distinguished record compiled over so many years by one of Michigan's most eminent statesmen.

There is another level of the man, however, that I fondly recall today. In the 1960's, while serving as Acting Governor of California, it was my duty, a very pleasant duty, to preside over the festivities surrounding the Rose Bowl game. Michigan State was the opponent of UCLA, my alma mater, that year. My wife, Lee, is a native of Michigan so my loyalties to alma mater were a little strained, as you can imagine. Much of the strain was relieved by the visiting Governor of Michigan, Hon. G. Mennen Williams.

Serving as hosts to the Governor and his guests, we were charmed by the affable and gracious manner of this fine gentleman. Outgoing and quick-witted he charmed all who met him, not the least of whom were the Andersons. A wonderful day of warmth and good humor became a magic memory that is bright for Lee and me to this very day. Soapy Williams is remembered by us both with deep affection and it is with a feeling of gratitude for his friendship that I rise to extend the condolences of Mrs. Anderson and myself to his family, his friends, and to his beloved Michigan.

Mr. CONYERS. Mr. Speaker, I rise today to join my colleagues in mourning the loss of former Governor, Michigan Supreme Court Chief Justice and Ambassador G. Mennen "Soapy" Williams. Although he was born an heir to the Mennen toiletries empire, he dedicated his life to public service, and forever changed the face of Michigan politics.

Mennen Williams was undoubtedly one of the giants of the Michigan political and judicial life in the 20th century. He was elected to an unprecedented six 2-year terms as Governor, during which time this liberal Democrat broke the Republican stronghold on Michigan State politics. Ironically, he had to overthrow his own party's established leadership to gain the party nomination, and then upset GOP Gov. Kim Sigler.

He soon came to personify Michigan Democratic party ideals. His tenure as Governor helped to bring Michigan into the 20th century by increasing social programs, by implementing civil rights laws, and by constructing much of Michigan's highway system and the Mackinac Bridge. Moreover, according to Attorney General Frank J. Kelley, when Soapy became Governor, Michigan became a corruption-free State. He brought honor and integrity to State politics.

Governor Williams never really sought the White House; he was a favorite son candidate in 1952 and 1956, and he stepped aside for then-Senator John F. Kennedy during his historic 1960 Presidential campaign. But his 12-year stewardship in Michigan was a forerunner to JFK's "New Frontier."

After his tenure as Governor, Soapy accepted President Kennedy's offer to join the State Department's African post. He plunged into the job, by encouraging the emerging independence movements in Africa. His wholehearted support for these movements, along with his declaration of "Africa for the African," prompted the apartheid regime in South Africa to ban him from the country and caused an enraged white Rhodesian to attack him physically. But he stayed true to a path which was far ahead of his time. As then-Secretary of State Dean Rusk once said, Soapy was "one of the best appointments" President kennedy ever made. President Johnson later appointed Soapy Ambassador to the Philippines.

Later, Governor Williams returned to Michigan where he was elected a supreme court justice, and rose to be Chief Justice. During his 16 years on the State's high court, he pioneered the innovative comparative negligence standard, which allows people who are only partially responsible for an injury to sue other responsible parties. He was also a strong advocate of individual rights, and efficient judicial administrator, a supporter for legal services for the poor, and a chairman of the task forces studying racial, sexual, and ethnic bias in the Michigan courts.

As an ever constant friend of the arts, he donated more than 400 objects of art collected during his diplomatic stints in Africa and Asia to the Detroit Institute of Arts, the University of Michigan, Michigan State University, the Muskegon Museum, and other public institutions. He championed the appreciation of African art, and worked tirelessly to promote it among art institutes throughout the State.

His career has spanned a third of Michigan's statehood. So I would like to join Gov. James Blanchard, Detroit Mayor Coleman Young, former Gov. William Milliken, and my colleagues here in the House of Representatives in paying my respects to this truly great man.

Mr. GRANT. Mr. Speaker, on February 2, America lost a distinguished public servant and statesman, G. Mennen "Soapy" Williams.

Mr. Williams led a life of service to his country and to the great State of Michigan that

almost defies description. From a distinguished World War II military career until his retirement from the Michigan Supreme Court in 1986, he consistently put duty above self interest. In doing so, he created a lasting model for the rest of us to emulate.

During his military service with the Navy during World War II, Mr. Williams earned 10 Battle Stars, the Legion of Merit, and 3 Presidential unit citations. A Princeton graduate, Mr. Williams went on to a distinguished career combating crime as the Assistant Attorney General of Michigan and as the executive assistant to the U.S. Attorney General.

The wise citizens of Michigan picked Mr. Williams as their Governor in 1949. He served until 1961, when he was chosen to be the Assistant Secretary of State for African Affairs by President John F. Kennedy. That was followed in 1968 with his appointment as Ambassador to the Philippines.

Mr. Williams returned to serve his State in 1971 as a member of the Michigan Supreme Court. He served 3 years as its chief justice before retiring in 1986. Even after leaving the bench, Mr. Williams dedicated his time to training future attorneys at the University of Detroit law school.

Soapy Williams was a man of many accomplishments, but one goal; to improve the society in which he lived. His life is a source of inspiration to those of us in Congress and to every young person contemplating a career in public service. I believe is altogether fitting that we pay tribute to a great American, G. Mennen "Soapy" Williams, today.

Mr. BONIOR of Michigan. Mr. Speaker, I rise today to pay tribute to a great Michigan statesman, the late G. Mennen "Soapy" Williams. I knew him well and greatly respected him as a person and as a statesman. Few persons have spent as many valuable years in public service to their State and country as Soapy Williams did. Few have been so well loved.

Soapy served Michigan as Governor and chief justice of the Michigan Supreme Court. He served his country as a civil servant during the Depression as a naval officer in World War II, as an Assistant Secretary of State, and as a U.S. Ambassador. Throughout his career, he fought for social justice and civil rights in Michigan and the United States.

Soapy was born in Detroit in 1911, the son of a successful pickle manufacturer. He earned his nickname "Soapy" from the fact that he was the grandson of the founder of the Mennen Co. which sold soaps and toiletries.

Soapy himself was an entrepreneur of a different sort than his father and grandfather. Born into a wealthy family, Soapy was a man who could have rested on the fortune he inherited but instead actively pursued a career of public service.

In 1936, in the middle of the Great Depression, Soapy took his new law degree from the University of Michigan and his many talents to Washington, DC. There he helped to draft the briefs which insured that the U.S. Supreme Court would uphold the Constitutionality of the Social Security Act. Over the next few years, he served as Michigan's Assistant Attorney General and, in 1939, as executive assistant to the newly appointed U.S. Attorney General, former Governor Murphy of Michigan.

When World War II broke out, Soapy served his country honorably and well on naval aircraft carriers in the Pacific. He achieved the rank of lieutenant commander in the Navy and was discharged in 1946.

During the next 2 years, friends and fellow Democrats in Michigan convinced him to run for Governor. And, in a surprising upset, he won the first of six consecutive, 2-year terms as Governor of Michigan—more terms than any other Michigan Governor.

Gov. Soapy Williams took seriously his role as Governor of all of Michigan. He recognized the role of minorities in Michigan and appointed blacks to positions in the State cabinet and the courts. Despite opposition, he instituted a comprehensive civil rights plan in Michigan which included laws prohibiting discrimination in employment and housing. At the time, he was considered a radical. Today we regard him as a man of great foresight, a forerunner of the generation which fought and won equal rights for all Americans.

After turning down the chance to run for a seventh term as Governor, Soapy was named Assistant Secretary of State for African Affairs by President John F. Kennedy. Soapy became not only an effective member of the Department of State but an outspoken critic of the colonialization of Africa. Again, his ideas caused critics at the time to label him a radical. But, again, time has proven that his belief that Africans should be allowed to govern themselves is both a correct and just one.

After 5 years, Soapy returned home to Michigan to make what turned out to be an unsuccessful bid for the U.S. Senate. Undaunted, Soapy went on to serve as Ambassador to the Phillipines from 1968 to 1969 during the last year of Lyndon Johnson's Presidency.

Soapy again returned home to Michigan. In 1971, he became a State supreme court justice, and, in 1983, his peers elevated him to chief justice. Even on the court, he continued his efforts on behalf of all people as he worked to establish uniform standards in all State courts. He retired from the Court in 1986, but remained active, teaching at the University of Detroit Law School.

Soapy was an intellectual, a master politician, a civil rights spokesman, a public servant who wore many different hats in his lifetime. Above all else, Soapy was loved, admired and respected by the people who knew him personally or as a statesman; the people who agreed with his policies; and, the people who disagreed with his policies. He genuinely cared about other people and, in turn, most people came to genuinely care for him. Certainly this is the greatest achievement of this lifetime—that he was loved and appreciated by so many of the people whom he served.

Mr. Speaker, I am proud to join with my many colleagues in remembering Soapy Williams. I would like to extend my warmest condolences to his wife Nancy and to his family. His life was an example to me as a young man growing up in Michigan, and I am proud to follow in Soapy's footsteps as a fellow public servant from the great State of Michigan.

Mr. PURSELL. Mr. Speaker, let me take this opportunity to join my colleagues in honoring the memory of one of Michigan's truly outstanding statesmen, G. Mennen Williams.

A generation of Michigan citizens grew up knowing only one Governor—Soapy Williams. His familiar trademark bow tie and good will passed through every Michigan city and town at one time or another.

Soapy Williams served our State and Nation well and will be missed by anyone and everyone that had the good fortune to be with him.

On behalf of my constituents in the second Congressional District I send my best wishes to his wonderful wife Nancy who was such an important part of the Williams team.

Mr. HENRY. Mr. Speaker, in the years to come, many in Michigan will fondly remember G. Mennen "Soapy" Williams as the politician who sported a green polka dot bow tie, campaigned tenaciously, and saw to it that the lower and upper peninsulas of Michigan were united by the 5 mile long Mackinac Bridge. Those in Washington international circles may recall the evening he hosted a State Department squaredance—"do-si-do for diplomats"—at his own personal expense, while serving as Assistant Secretary for African Affairs. More importantly, however, we stand here today to remember and commend Soapy Williams for a lifetime of selfless devotion to public service.

The credentials accumulated during his lifetime are expansive and impressive. To highlight the early years of his career: Assistant Attorney General of Michigan, executive assistant to the U.S. Attorney General, lieutenant commander during WW II, deputy director of the Michigan Price Administration Office and Michigan Liquor Control Commissioner.

As Governor, Soapy was the first one in history to hold office for six consecutive terms. Despite his obvious popularity, Soapy was not one to stop mixing with the multitudes. He loved to shake hands and visit with individuals whether it be at a farm picnic, union hall, or on the street corner. Though he continued to rise in prominence, he maintained an open door policy.

Soapy's enthusiasm and concern for his fellow man crossed domestic borders. He served as Assistant Secretary of State for African Affairs from 1961–66. During 1968–69 he was U.S. Ambassador to the Philippines.

Upon returning to Michigan, Soapy was elected to the supreme court in 1971. He became chief justice in 1983, residing in that chamber until 1986. And most recently, at age 76 while most individuals would be enjoying a well-deserved retirement, Soapy could be found teaching at the University of Detroit Law School.

As one long-time associate commented, "people could debate about his politics, but he was the quintessential public servant." We lament his loss. However, we are thankful for those numerous years in which he unceasingly toiled on behalf of the people of Michigan and of our country.

Mr. DE LA GARZA. Mr. Speaker, with the recent passing of G. Mennen Williams our Nation has lost a great leader and Michigan one of its greatest public servants. A man whose career was nothing less than brilliant,

Soapy Williams was for decades a distinguished leader.

Governor of Michigan, Assistant Secretary of State for African Affairs during the Kennedy administration, Ambassador to the Philippines during the Johnson administration, member and Chief Justice of the Michigan Supreme Court—these are all positions he held. Each in itself is an accomplishment of which to be proud. Cumulatively they serve as testimony to the vision of a man who leaves behind him a tremendous monument of good works.

G. Mennen Williams served with candor, integrity, selflessness, and devotion to the principles of good, honest, clean and effective government for all people. A man of quality, a man of leadership, and a man who felt that the care of human life and happiness was the first and foremost objective of good government, G. Mennen Williams will be missed by all who have had the privilege of knowing him.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all of my colleagues be afforded 5 legislative days in which to revise and extend their remarks, if they like, on this subject of this special order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TELEVISION PROGRAM ACCESS FOR SATELLITE DISH OWNERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. OLIN] is recognized for 60 minutes.

Mr. OLIN. Mr. Speaker, before I begin to say what I have to say tonight about the need for legislation to really take care of the needs of the people in rural America that have satellite dishes and for the last 2 or 3 years have been finding more and more of the programs that they enjoy scrambled, I would first like to make this unanimous-consent request.

GENERAL LEAVE

Mr. OLIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. OLIN. Mr. Speaker, I would also like to make note of the fact that there were roughly 20 Members of Congress who had planned to be at this special order. I am not so sure that we are going to have any of them showing up except myself, but I am prepared to cover the subject adequately, I think.

I would like to call attention to the fact that we were delayed this evening long beyond the time that we had expected and the Members who had intended to be here for one reason or another were called upon to meet prior commitments and are not here.

I would like to call attention to the fact that a large number of Members were here and a number of them submitted their statements. The gentleman from Louisiana, Mr. BILLY TAUZIN, was here, and the gentleman from Washington, Mr. AL SWIFT, who has worked hard on that committee; the gentleman from Wisconsin, Mr. BOB KASTENMEIER, the author of another of the bills, the gentleman from Tennessee, Mr. JIM COOPER, the gentleman from Vermont, Mr. JIM JEFFORDS, the gentleman from South Carolina [Mr. SPRATT], the gentleman from New York [Mr. MARTIN], and presiding tonight as Speaker is the gentleman from Kentucky, CARROLL HUBBARD. Were that gentleman not sitting in the presiding chair, he would be speaking on this special order also.

I will mention to those who are picking this program up off the satellite and watching it at home that we are going to schedule an additional special order on this subject in the next couple weeks to enable those Congressmen and women who wanted to be here and recognize this as a very important subject in their areas to have a chance to talk to you personally about it, so do not feel that you are not going to have a chance to hear from these Congresspeople, as well as to read what they had to say in the RECORD.

Mr. Speaker, this special order is for the purpose of calling to the attention of the Members of Congress and their constituents the need to move the legislation that would make it possible for rural America, those living in mountainous and remote areas, to be able to enjoy the benefits of the wide range of television programming enjoyed by our urban areas, and at a fair and reasonable price.

I look forward to the comments of my colleagues who will be joining me at the next special order and would have been here this evening have to say. I look forward to their testimony on how critical it is that we move the two bills that will help bring fairness and equity to the millions of rural Americans who have made substantial investments in their satellite dishes. These Americans should not be denied the pleasure and educational value of the broad range of television programming that is now on the air.

Now, let me review how this situation developed and how it appears to me that it can be alleviated. Over the past decade, many rural Americans have invested, as we all know, in home satellite dishes. This number has jumped even more dramatically in the last 4 or 5 years. There are really two reasons for this. One is that the dishes are now more affordable because of technological advances and, of course, by the increased use of satellite signals by broadcasters. Tens of thousands of rural citizens began to enjoy the benefit of dishes, many of them were able to get programming for the first time. They saw no harm in this, because they knew that the United States had always believed that information broadcast over the air was free for all. This was an American tradition, a tradition that went back into the early days of radio. Never before has it been violated.

In order to get programming, rural families purchased dish equipment, spending generally between $2,000, $3,000 and $5,000 for their equipment. This worked out fine, except that the producers of pay TV who had developed the business of selling their specialized programs, known as premiums, to local cable companies felt that the ability of the dish owners to obtain their programming free was unfair. The premium programmers financed the cost of their business through the rents paid by cable subscribers, not through the broad-based advertising used by commercial stations. These programmers feared that they would lose their business if dish owners were intending to get this programming free. In order to prevent free access, the premium programmers encrypted or scrambled their signals. The first programmer to scramble was the Home Box Office, the HBO, which began scrambling in January 1986. Other broadcasters soon did the same thing and scrambling created the issue that we are addressing today.

Dish owners really only want to know what their options are. They want to know how far scrambling will go. They would like to know will their investments in dish equipment be wiped out. Home dish owners have accepted the right of the private broadcasters who own copyright programs to receive payments for their products. That is reasonable, but dish owners want the right to buy the programming and they want to be treated fairly in a manner similar to that of the cable customers, and not to have to pay more.

Dish owners also want to be able to purchase packages of programs, like the cable customers, at an equitable price, and dish owners also want to be sure that the means of scrambling and descrambling signals is standardized so that they can purchase one descrambler box to descramble all the signals they want to purchase. They do not want to have to buy 30 descramblers in order to get 30 signals.

Mr. Speaker, I am going to stop my story right here and welcome a gentleman who is joining us, the gentleman from New York [Mr. MARTIN]. I yield to the gentleman from New York.

Mr. MARTIN of New York. Mr. Speaker, I want to thank my col-

league, Representative JIM OLIN, for requesting time for this special order so that we can draw attention to an issue of great importance to the hundreds of thousands of individuals across the country who are unable to receive normal television reception and have no access to a cable television system.

I heard the gentleman saying about the rural nature of his district. From time to time, particularly the first year I was here in the Congress, people assumed that being from New York, I was from a large metropolitan area. I want to point out that the 26th Congressional District in New York is somewhat bigger than eight States in the Union, so by any standard we are considered rural.

The right of satellite dish owners to receive satellite signals was clearly set out in the Cable Communications Policy Act of 1984. That law provides a conditional statutory right to backyard dish owners to watch cable programming being carried by unencrypted satellite signals. However, if the owners to the rights in such programming establish a marketing system to sell viewing rights the dish owners are obligated to purchase.

That may be all well and good—as far it goes. The operative word here is "marketing system." Unfortunately, when popular satellite program services began to scramble their signals early in 1986, there was no effective marketing system in place. At that time, along with a number of my colleagues, I became a cosponsor of legislation providing for a 2-year moratorium on the scrambling of satellite signals carrying cable programming. Such a moratorium would have permitted a reasonable time period in which an effective marketing system could have been developed to permit private viewing of satellite transmissions at fair and reasonable rates.

When it became clear that such legislation would not be acted upon by Congress, and after considerable study, I became a cosponsor of another piece of legislation permitting the scrambling of satellite television signals only after certain conditions had been met. Much to my disappointment, Congress again failed to take action to correct the situation.

Consequently, when new legislation was introduced early in 100th Congress, this Congress, I joined in supporting, through my cosponsorship, H.R. 1885, the Satellite Television Fair Marketing Act. As introduced, the proposal is designed to ensure competition in the marketplace by requiring that those scrambling satellite services intended for private viewing must make those services available to home satellite dish owners and provides the Federal Communications Commission with the authority to establish uniform standards for encryption.

□ 1945

The FCC would be required to develop a proposal to facilitate the provision of network television signals to persons living outside the reach of broadcast stations and to investigate the pricing and distribution terms of sellers of satellite television programming to antenna owners to determine whether the marketplace is developing competitively. It places prohibitions on the encryption of that part of the Public Broadcasting Service which is intended for public viewing television broadcast stations. Persons harmed by a violation of the act would be permitted to bring a civil action in a U.S. district court.

Tens of thousands of residents in my own nine-county rural congressional district in northern New York are unable to obtain adequate reception of television broadcasts or unable to receive the services of cable television. My constituents are not greedy. They would willingly subscribe to cable service if it were available to them. However, this is just not the case. Take, for instance, the couple who wrote to tell me that "we invested in a satellite dish because the cable company which ends one-quarter mile from our home would not bring services to us." Or the individual who advised me that "many years have passed in the struggle to have cable TV up our rural road. When the time did come, they stopped four-tenths of a mile down the road." Or the constituent who tells me that cable service is available to within a quarter mile of his home to the east and to three-quarters of a mile on the west, but that the local cable company says it would be too expensive to service the 14 houses between these points.

I certainly understand the cost. I understand the line has to come from somewhere, but it is more than frustrating for somebody to be able to look out their window and see their neighbor is entitled to this service which they are paying for and for which this person is willing to pay for and they are just not able to bring it to them.

What we are saying is give them the opportunity to get these services at a reasonable price. These are not people looking for something for nothing. They are merely seeking to have access to programming to which a vast majority of this country already has or will have and at fair and reasonable rates.

I want to take this opportunity to strongly urge congressional action to address the situation and alleviate the problem and to take such action now. I encourage approval of H.R. 1885 or similar legislation which would make the rules fair. I, and the thousands of satellite viewing constitutents which I represent, would be most appreciative.

I want to thank my colleague and my good friend from Virginia [Mr. OLIN] for taking out this special order this evening. As to those who intended to be here, they have every good reason for schedules changing, and prior commitments, and I guess it is a way of life with us here when we do not know what will be happening in the next 10 or 15 minutes. But for the gentleman from Virginia [Mr. OLIN] who put this special order together, I salute him and thank him very much and I want to express my appreciation to the gentleman in the chair, the gentleman from Kentucky [Mr. HUBBARD], who I know also supports what we are trying to do.

Mr. OLIN. Mr. Speaker, I want to thank the gentleman from New York [Mr. MARTIN] for his very, very fine statement. I come from a mountainous and rural part of Virginia, but I know that there are mountainous and very rural parts of New York State as well.

Mrs. VUCANOVICH. Mr. Speaker, would the gentleman yield?

Mr. OLIN. Mr. Speaker, I very much appreciate the opportunity to yield to the gentleman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I am a strong supporter of the effort to ensure fair access to television programming for those who, like many in my district, live in rural areas where many cannot receive normal television transmissions and access to cable is limited or absent.

Many of my constituents have invested literally thousands of dollars in satellite dishes so that they can enjoy the same television programming that urban dwellers take for granted.

Several developments have made it difficult for the owners of home satellite dishes to view regular television programming. Although satellites are used to transmit television programming to local stations, which in turn retransmit the programming to local viewers, these transmissions can also be received by home satellite dish owners. In an effort to receive compensation for the viewing by home satellite dish owners, some satellite signals are scrambled, and then made available to home satellite dish owners for a charge. Descramblers are sold to the home dish owners so that they might decode the scrambled programming.

Unfortunately, this system means that after viewers have paid over $1,000 for a home satellite dish, they must then purchase not one, but often three or four, separate descramblers to be able to view the programming they desire. This is certainly prohibitive and seems patently unfair.

I want my constituents to have access to these programs at a cost that is reasonable and fair. I want a distribution system that does not discriminate in prices or in terms or condi-

tions. I want reasonable, affordable access, and I want fairness.

Mr. Speaker, I have joined as a cosponsor on legislation which would help to ensure that satellite dish owners, like my constituents in Nevada, would be able to have reasonable access to the television programming they wish to see. I am here today to stress the importance of fair program access and of this legislation designed to ensure it.

Mr. Speaker, the legislation I support is well thought out and fair to both programmers and to satellite dish owners like so many of my constituents. For example, programmers who choose to scramble services which are otherwise offered to cable customers must be willing to sell programming to home dish owners.

Further, although programmers may continue to scramble, they will have to meet certain FCC standards so that home dish owners will not be forced to purchase a myriad of different decoders for different programs. Also, standards for making programming available to home dish owners must be fair and reasonable.

Mr. Speaker, although this legislation has 125 cosponsors, and is widely supported by our constituents, it has yet to move to the full Energy and Commerce Committee. It is time to move this legislation to the floor. I urge you, Mr. Speaker, to do all in your power to see that this legislation moves to the floor of the House so that we might have an opportunity for full debate and a vote. We need a fair chance for satellite dish owners to access regular programming and this legislation will give it to them.

There is strong support for this type of legislation. There is an urgent need to it, and our constituents deserve it. There is no reason for any further delay. We are anxious for the committee to finish its work with this legislation and move it to the floor of the House. Mr. Speaker, esteemed colleagues, let's get this legislation moving quickly, so we can act on it and pass it into law.

Mr. OLIN. Mr. Speaker, I want to thank the gentlewoman from Nevada [Mrs. VUCANOVICH] for her fine remarks. I would just comment that I hope that the result of this special order will be that we will have gotten the attention of more of the Members of the House, particularly the members of the two committees and two subcommittees that are involved on this issue so that they will really understand better the importance of moving this legislation. I think that there will be some people that are listening to this program via satellite on their home dishes and I hope that they will help us by trying to make known to their Congressmen or Congresswomen the importance of moving this legislation. Maybe out of this we can move these two bills that are not going to hurt anybody, but they are very much needed by people in rural areas.

Mrs. VUCANOVICH. Mr. Speaker, I hope that that can happen. I certainly agree with the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. Mr. Speaker, I would now proceed and continue the story that I was telling about the situation and then I want to talk about those two bills a little bit more.

Today the situation facing dish owners is slightly improved. Most of the scrambling is being standardized using video cycle two system. Dish owners can buy some programs and some program packages are being put together but in many cases it is still very difficult to get those problems and packages, even get them at all. And of course getting them at the proper cost, which is a cost comparable to what cable subscribers get, is still a little bit far away.

Just last month Richard L. Brown, who represents the Home Satellite Television Association, testified before the Subcommittee on Courts, and he stated that dish owners have to pay between 800 and 1,000 percent more than the wholesale price paid by cable companies. Of course to a broadcaster the homeowners, the rural dish, is not basically different than the dish of the cable company and as far as the broadcaster is concerned he has the same problem and one would think that the price paid by the cable company to receive the signal should not be too much different than the price paid by the homeowner to receive the signal. But in many cases the price paid by dish owners is more than that paid by retail cable subscribers.

One of my constituents compared the retail price between dish owners and cable customers in his area and found out that the dish owners were paying at least twice what cable subscribers were paying. I have more to say on that with specific examples later in my special order.

The issue for Congress is to make the policy changes needed to permit rural America to be treated fairly. This is the reason for the two bills before Congress.

As I have said, one of these bills is H.R. 2848, the Satellite Home Viewer Copyright Act. The second bill is H.R. 1885, the Satellite Television Fair Marketing Act. These bills are complementary, and we need both of them passed. Each bill does a little different thing. If we get them both passed we are going to achieve some very, very meaningful objectives and my understanding of these bills is that they basically are going to accomplish the following policy goals.

First, they are going to encourage development of a market structure that will enable people to put together program packages of more varieties and closer to the market for the home dish market.

Second, they are going to encourage competition so that a reasonable pricing system will most likely develop.

Third, they are going to protect the property rights of the copyright owners and establish a method for those copyright people to be paid.

Last, and perhaps most importantly, they are going to establish the principle that the dish owners have a right to buy programming, that that programming ought to be at a fair price.

□ 2000

If we can get these two bills moved, passed by the House, passed by the Senate, signed by the President, we are going to go a long way toward bringing fairness in TV availability to rural America.

Now let me tell you a little bit more about these two bills. They are complex, and I cannot get into the minute detail of them, but it is important to recognize some of their details.

The first bill, which is Mr. KASTENMEIER's bill, H.R. 2848, is in the Subcommittee on Courts, Civil Liberties and the Administration of Justice. The gentleman from Wisconsin [Mr. KASTENMEIER] has had hearings, and he is hoping to get this bill out of his subcommittee in 2 weeks, and he is reasonably confident that he will move it in the Judiciary Committee.

Now what this bill does is this: This bill would modify the copyright law to ensure that superstation programming, which is retransmitted by common carriers, could be legally sold to dish owners. It is very important. Right now there is a big question about that. It also provides a system by which the holders of copyrights will receive their due payment. Since the network broadcasters are also planning to scramble in the future and they are negotiating with common carriers right how to market their programs, H.R. 2848 is all the more needed because this might be the only way to ensure that rural dish owners will have access to regular network broadcasting in the future after those signals are scrambled.

This is a very, very important bill. It established the right to buy, and it takes care of the question of reasonable and proper compensation of copyright holders. It handles all the aspects of that.

It does, however, only apply to superstations. It does not apply, for example, to premium TV.

Mr. Speaker, the other bill, which is sponsored by BILLY TAUZIN, and BILLY very much regrets his inability to be here tonight, that bill basically is a bill that says this: That if anybody broadcasts a signal and there encrypts that signal; in other words scrambles the

signal, if he sells that scrambled signal to anybody, he has to be willing to sell it to everybody that asks for it. That is the basic thing about that bill. It also has a second provision, and that is that the Federal Communications Commission is given the authority to establish and monitor a fair pricing and pricing policies, and I would like to read a little bit out of this bill, H.R. 1885. I will read the major parts. This is on page 3 of the bill.

"(3) Any person who encrypts any satellite delivered programming for private viewing shall—

"(A) make such programming available for private viewing by home satellite antenna users;

"(B) when making such programming available through any other person, establish reasonable financial and character criteria under which distributors may qualify to distribute such programming to home satellite antenna users and not discriminate in price, terms, or conditions among different distributors offering similar distribution services to the consumer;

Mr. Speaker, what this basically means is that, if the broadcaster who is sending our encrypted signals makes a signal available to anybody that wants to buy it, that that person that buys it, if it is another distributor, and of course the originator cannot discriminate in pricing materials or conditions between different distribution channels, so that would mean that the dishowner is going to get the same kind of a treatment that a cable subscriber gets, and that is really the gut of the bill. That is one of the things that is wrong with what is presently in existence.

Mr. Speaker, those are the two bills, and now I am going to, before I get into the pricing, just read to my colleagues one thing. I have received an awful lot of mail from my constituents with regard to this whole subject. I have got thousands, and thousands and thousands of dishes in this area, and these are all people that live over the mountain, and they cannot get an ordinary broadcast signal. But one of my cities is Clifton Forge, VA, and it is right in the center of the Alleghany Highlands, and I have got a lady that wrote to me on December 22, and I am not going to indicate her name, but I would like to read her letter. It is interesting. She is obviously an older woman, retired, and probably lives alone, and she says this. Her language is sort of interesting.

CLIFTON FORGE,
Friday, December 22, 1987.

DEAR CONGRESS OLIN: I am very Desopinted the way the goverment has let the people Scramble our chanels on our Seatlite. As we are Senior Citisons and are on Social Securty And do not have that much money to waist. We need Something to enjoy in our Old days. After all our Tax dollords put those Salite up there.

Now here come Cable Vision and other Station took that away from us. Now they come up with got have 5 hundred For a Box to unscramble plus the monthy cost. Which we do not have. It sure(ought) to be look(ed) in to. Preasheat(appreciate) any thang you can do about it. A Conceran citison.

Thank you So much.

Mr. Speaker, I thought that was very, very typical of the situation of people who are living in these areas. They need and want this kind of television programming just like people who live in a more condensed urban area and have access to cable or the direct signals, and they do not object to paying a reasonable amount for what they get. They are perfectly willing to do that. They are willing to make the investment in their home equipment, which of course is far more than a subscriber to a cable network pays for. And yet it is just aggravating that the marketplace and the people that are in the market and the Congress have been unable to come up with a scheme of handling this within the free enterprise system that results in real fairness and equity to these people who live in rural areas.

Mr. Speaker, this may be the last item I want to cover, but let me give you some examples of this pricing question. Here is some information from the Roanoke, VA, area. I am told that the cable; that is, an installed cable basic program, costs the subscriber $12.45 a month, and, if you have a dish in that area, the basic dish program is also priced at $12.40 a month. But a dishowner can only get the same price as cable first by paying 1 year in advance; that is $12.45 times 12 in advance, and also the basic package for the dishowner only contains half as many programs as are basic for the cable, so in a sense maybe you can say that the dish people are paying twice as much. When you are talking about premium programs, cable offers premium programs for $10 a month to buy them alone, and for the dishowner instead of $10 it is $14 to $15.50 depending on which premium program it is, and that money must be paid in advance for a year.

Now constituents in the Waynesboro area; Waynesboro, VA, another mountainous area; they report that the cable basic price is $12.75 per month, and the dish basic price right outside of the town area is not $12.75, but $19 a month, and again the dish basic is available only if 1 year's advance payment is made of $228. Now if you have cable and you want an add-on package of 15 channels in Waynesboro, that costs $5.95 a month, but if you are a dishowner, your add-on package of 14 channels will cost you $20 a month, and again that is only available if you pay $240 in advance, a whole year's worth of pay.

Mr. Speaker, I am informed by the National Rural Cooperative Association, an agency trying to become a distributor in this business, that on the average around the country this cable service, the cable basic of 24 channels, costs about $13 a month. On the contrary the dish basic involves only 8 channels. It sells on the average for $17.95 a month, so that is about 50 percent more for one-third the channels and again a year's worth of rent of $192 must be charged, must be paid in advance, in order to get that service.

Now these comparisons indicate that for one reason or another this market and the marketing scheme has not developed enough competition so that the price has found a reasonable level, and the purpose of these bills, if you take out all the special language, is to get that rectified. We are not doing this by having the Government engage in direct price fixing. One of these bills does have some guidance by the FTC, but basically we are looking at trying to improve the marketing structure and establishing the fundamental values that a rural dishowner should have, and that value is basically that if there is a signal coming through the air that is being sold to anybody, this kind of a signal, that it needs to be sold to them, too, and that that sale must be without discrimination. It must be fair.

Mr. Speaker, I am just hoping that through this special order and the interest that we know there is in the Congress on this subject that we can first of all, as I said a little earlier, get the attention of the Members of these key committees, and we are talking about the Energy and Commerce Committee and the Subcommittee on Telecommunications and Finance of that committee. That is involved with bill No. 1885. The Members of that committee have got to get this message better than they have got it before. I hope we have helped them to do that.

The second bill, which is 2848, that is in the Judiciary Committee, and it is in the Subcommittee on Courts, Civil Liberties and the Administration of Justice. That bill needs to move. Now it seems to be moving a little bit better, and maybe it will come out of committee this year, but let us not forget that even when we get these two bills out of the House that we have still got to get the Senate to act on them.

Mr. Speaker, let me just mention, and this may be as my last point, that the Senate does have a bill, S. 889 which is sponsored by Senator GORE, and it is a companion to the House bill, H.R. 1885. That bill is actually out of the Senate committee. It is out of the whole Committee on Commerce, Science and Transportation of the Senate. Hearings have been held on the bill and the bill that was marked up, but it has not been reported to the Senate Chamber as a whole for a vote.

So those of you that have Senators that are interested in this subject, if you could get them pepped up a little

bit and get the Senate to put out and pass and send over to the House S. 889, that would sure help us get a little movement on H.R. 1885. In fact we might be able to just take up the Senate bill and consider it, pass it.

So that is the story of this special order. We are hoping that those of you that may be watching this program over satellite on your home television will appreciate what we have said and recognize the need to write your Representatives, write your Senators and see if you cannot help get across the message that this is an inequity, it is a problem, it is unfair, and needs to be fixed. The sooner we get it fixed, the better it is going to be.

Mr. DAUB. Mr. Speaker, I am pleased that my colleague from Virginia is taking this special order today so that Members can air their views on satellite communications legislation.

As a strong supporter and cosponsor of H.R. 1885, I would like to add my comments to the record and urge quick action regarding this legislation. H.R. 1885, the Satellite Television Fair Marketing Act, is aptly named—in essence, it deals with the issue of fairness.

In the ideal world, sellers and buyers of a product naturally come to mutually agreeable commitments regarding the price and distribution of that product. Unfortunately, the satellite television industry falls short of this description. Instead, we continue to find a lack of real commitment when it comes to the sellers of encrypted signals.

This bill remedies the situation. First, it gives dishowners, who reside in mostly rural areas, the ability to shop for signals in a more competitive and open environment. By allowing third-party programmers to distribute a wider variety of packages at reasonable prices, dishowners can share in the benefits of this technology and be given equal access to satellite services at a fair price.

Second, the bill authorizes the Federal Communications Commission to develop uniform standards of encryption and rulemaking that would extend network television beyond limited geographical areas.

Public broadcasting remains public in a third provision, which prohibits both the encryption of PBS programming intended for public use and Armed Forces television and radio programming abroad.

Finally, the bill allows citizens harmed by violations of this act to bring suit in a U.S. district court.

In conclusion, passage of this bill will ensure that equal access to quality programming from more than just a few vendors will be maintained. Thus, H.R. 1885 is a needed catalyst in a market with players that seem to be enjoying their freedoms to the detriment of millions of dishowners.

Mr. VOLKMER. Mr. Speaker, I am proud to add my support to those of my colleagues who are speaking on behalf of satellite dishowners. We are one voice calling for fairness.

There are many in my Missouri district who rely on their dishes for communication with the outside world. I'm not talking about their desire to receive MTV, or old movies, or "The Honeymooners." I'm talking about network news, about weather reports, about educational television. But for many these programs are not available without outrageous amounts of money to pay for additional fees and descrambling devices.

I support legislation, as many in this body do, that would allow dishowners to receive signals at a fair and reasonable price. We aren't asking for handouts, for freebies, for special treatment. We ask only for fairness.

Many of my constituents have invested thousands of dollars in their satellite dish equipment so that they may receive the same television programming taken for granted by urban dwellers. But scrambling has left the viewers in the dark, or facing these expensive additions and fees.

What we want is simple. We want to know that private viewing programming is made available to home satellite dishowners; that pricing and distribution of these services be studied; that public service broadcasting not be scrambled and that dishowners have a judicial avenue available if programmers violate these rights.

It's simple, Mr. Speaker. Dishowners want to be treated fairly.

Mr. BARNARD. Mr. Speaker, I would like to take a moment to address the issue of equal access to television programming. Like many other Members of Congress who have taken an interest in this subject, I represent a district that is largely rural. The satellite dish has allowed many of my constituents to benefit from television programming once available only to urban residents. Scrambling of signals has endangered this access to programming and has threatened to render valueless all the equipment in which my constituents have invested so that they will have the same advantages as their counterparts in nearby cities.

While the marketplace has resolved some of our earlier fears, the price and availability of decoders for example, dishowners still face enormous obstacles in their efforts to take full advantage of television programming. Equal access for rural citizens increases in importance as our society becomes more dependent on broadcasting as a means of information gathering. This reorientation is evidenced by the use of television as a primary means of communication during the current Presidential elections.

Rural dwellers have traditionally been the last segment of our society to reap the advantages of technological advances. The satellite dish reverses this unfortunate trend. Equal access to television programming through the use of satellite dishes can prevent our rural constituency from being second-class citizens.

Mr. SYNAR. Mr. Speaker, I wish to thank you for this opportunity to address a topic of great interest and concern to me: legislation to help those Americans who enjoy and rely upon home satellite television. I also would like to thank Congressman OLIN for his effort in organizing this special order.

The advent of the home earth station and direct satellite broadcasting has created the opportunity for all Americans, no matter how remotely located, to share in the great range of entertainment, educational, sports, and news programming offered on satellite. Previously, much of that programming had been accessible only by those living in our Nation's cities and towns. I know that there are many in my home State of Oklahoma who rely completely upon their home satellite dish for reception of television. And, after having been involved with the issues surrounding satellite television for several years, I can assure nearly all of my fellow Members that they too have constituents in like circumstances.

However, the development and growth of this technology has not been easy, and the satellite television industry and its customers continue to face hurdles which can be overcome only with the help of Congress.

One particularly dark cloud hanging over home earth station owners is the uncertainty of continued access to network programming and the independent, so-called, superstations. In an effort to remove that cloud and guarantee that those television signals remain available, I have joined with Chairman KASTENMEIER, Mr. BOUCHER, Mr. MOORHEAD, Mr. HUGHES, and Mr. GARCIA in introducing H.R. 2848, the Satellite Home Viewer Copyright Act of 1987. This bill assures that TVRO viewers will continue to have access to the same programming as is enjoyed by those served by cable and off-air broadcast signals. The bill is measured and balanced, reflecting concern for the rights of earth station viewers and recognition of need to fairly compensate the copyright holders.

H.R. 2848 is of vital importance. Not only does it further our Nation's interest in making communications services available to all the people of the United States, but it also helps to assure that direct satellite broadcasting will continue to grow and prosper, and thus become a viable and competitive system of television delivery.

I call upon my colleagues to join me in recognizing the importance of this emerging technology and the rights of all Americans to share in the full wealth of communications which this country has to offer. I urge them to lend their full support to H.R. 2848.

Mr. SUNDQUIST. Mr. Speaker, I want to thank the gentleman from Virginia for bringing the issue of satellite home-viewer rights before this body today. It is high time that a fair and equitable solution be reached on this issue.

Mr. Speaker, my district in middle west Tennessee is mostly rural. The only access most of my constituents have to television service is with the assistance of a satellite dish. However, their access is being limited by the scrambling of signals by cable companies and the networks.

Let me point out that my constituents aren't looking to get something for nothing by using satellite dishes. On the contrary, they are more than willing to pay for the programs, as indeed the programmers deserve payment. But the conditions, terms, and prices must be reasonable and fair, and the only way to accomplish this is with a legislative solution that prevents monopolistic behavior by the cable industry, and ensures a competitive environment.

My constituents are only seeking a service, at a reasonable rate, that is not otherwise available to them because they reside in rural areas, beyond the reach of normal broadcast or cable signals.

I would like to urge my colleagues—particularly the members of the Energy and Commerce Committee—to take quick and positive action on two bills I have cosponsored: H.R. 1885—the Satellite Television Fair Marketing Act—and H.R. 2848—the Satellite Home Viewer Copyright Act.

Both pieces of legislation present a fair and reasonable solution that will balance the needs of both the programmers and the satellite dish owners by assuring reasonable rates for superstation and other cable programming, and by ensuring that fair marketing practices prevail for all encrypted satellite-cable signals.

Mr. STALLINGS. Mr. Speaker, I would like to thank my colleague from Virginia, Congressman OLIN, for sponsoring this special order today. I also appreciate the work Congressman TAUZIN has done on this issue.

I join with these gentlemen in expressing concern for the residents of our States who live in rural areas and do not have access to normal television transmissions or cable.

Idaho, the State I represent in Congress, is a large, rural State. Many of its residents do not live in towns and cities. As one resident of my State said recently, residents of the remotest areas of our State receive the same telephone service as the residents living in Boise, our capital. It is our responsibility, I believe, to see that other services we deem as necessities are provided as well.

Since coming to Congress a little more than 3 years ago, I have heard from many of the more than 10,000 home satellite dishowners in Idaho who have expressed concern and frustration. Many have invested thousands of dollars for satellite dish equipment to have access to basic local news programs as well as the incredibly diverse television programming previously available only to those wired to a cable system—but basic local news programs.

When I first came to Congress, my constituents were worried about plans by cable programmers and networks to scramble their signals. The overwhelming majority of these dishowners were willing—and continue to be willing—to pay a reasonable fee for satellite-transmitted programming. They recognized that they were receiving a service for which cable subscribers were paying. As programmers began to scramble, concerns turned to the availability and cost of decoders. Many believed that the costs to subscribe to these services would be significantly higher than those paid by subscribers in areas where cable service is available without dishes.

In fairness, I think it's important to realize that some of these concerns are being addressed. Decoders, for instance, which were not in ample supply initially, now are being built into the dish. Lease and purchase plans are available for existing dishowners. Cable companies claim that the rates for packages for dishowners are now being offered at a rate less than is charged cable customers. While that may or may not be the case, we must remember that satellite dish owners have had to make a substantial initial investment in hardware.

I am a cosponsor of H.R. 1885—the Satellite Television Fair Marketing Act—to encourage fair marketing practices for satellite communications. While I believe the marketplace is working in some areas—and this is certainly the preferred route—we must continue to be sensitive to the concerns facing these residents of our States. For example, satellite dishowners in Idaho tell me one problem they continue to face is the necessity of calling several places to secure the services they want. Others are concerned about scrambling public broadcasting programs, intended for public viewing.

In short, I believe we are beginning to see some progress made. However, based on frequent discussions with Idaho dishowners, I know frustrations remain. We must, as a body, continue to look for responsible ways to help these residents of our States.

Mr. TALLON. Mr. Speaker, it is with great pleasure that I rise today to speak again on behalf of the many television satellite dishowners in the Sixth District of South Carolina.

This district, like many others across the United States, is a beautiful rural area, containing many farms and small towns. In many of these towns, as is the case in outlying areas, cable television is not available. In fact, good reception of some nearby broadcasts is sometimes difficult. This need for better reception and expanded programming has led to the great increase in satellite television dishes—well over 2 million units—at substantial cost to the rural viewer.

Congress needs to act now to insure that the rights of the rural viewer and his investment are protected. Residents of populated areas have long enjoyed extensive programming with good reception through their cable television hookups. It is only right that residents of rural areas who own satellite dishes have similar programming available to them at a fair and comparable price.

The technology is available for rural dishowners to receive this programming. Legislation has been introduced to achieve this result. Let's push for action on these important bills and stop depriving a large segment of American citizens the freedom to receive information simply because they live and work in rural areas. The time has come to pass this home satellite television legislation.

Mr. CRAIG. Mr. Speaker, I would like to thank Mr. OLIN for this special order today, to discuss an issue that is important to many Idahoans. Access to television programs for satellite dishowners has been an ongoing concern both for the satellite dish industry and its customers. The people in Idaho face a problem not uncommon in the West and in rural areas throughout the country: access to television signals. There is strong movement toward the scrambling of satellite programming, and many owners of dishes are concerned about their access rights. People in remote areas cannot receive typical television transmissions; they also have no access to cable. The only alternative for them is to purchase a satellite dish. Mr. Speaker, I can certainly understand the desire of satellite cable programmers to protect their satellite programming from unauthorized use. I also understand their need to be compensated for dishes that receive their signals. But the current marketing and pricing plans that cable programmers have developed have given rise to some very genuine concerns of home dishowners. For example:

First. Noncable interests would like to distribute cable programming. Why is it that no independent third-party distributor has been authorized to market the dozen or so scrambled services?

Second. Are rates artificially high for programming?

Third. Does the lack of manufacturers of descramblers create a slump in the home dish industry?

Fourth. Why is there a lack of package programming for channels that are scrambled?

These are some of the issues that need immediate attention. That is why I am here today to voice my support for a bill my colleague, Mr. TAUZIN, has introduced, to ensure that the viewing rights of home satellite dishowners are protected and that dishowners are not locked out of receiving broadcasts.

Although many Members in the past have expressed concern for the reasonable access and pricing of programming in the dish market, no clear consensus has been reached on the issue. I believe Mr. TAUZIN's bill incorporates many of the good ideas that have been presented in the past. The legislation is designed to ensure that programming will be made available to dishowners under a distribution system that does not discriminate in prices, terms, or conditions. Home satellite owners should be able to gain access to pay services at a fair and reasonable price. I also believe this legislation encourages a marketplace resolution. It requires that the marketplace for purchase of such services be open and competitive.

There are nearly 2 million home-satellite earth-station owners across the Nation. They are in need of some action that will give them a fair shake on programming. I appreciate the opportunity to help raise the issue today so that we can do something to remedy the problems that currently exist.

I would again like to thank Mr. OLIN for providing us this time to discuss this important issue.

Mr. SPRATT. Mr. Speaker, when the gentleman from Virginia invited me to speak today in support of H.R. 1885, I welcomed the opportunity. I know how important this bill is to the citizens living in rural areas of my district in South Carolina.

A few weeks ago, I had the privilege of speaking to a high school class in my district about the U.S. Constitution. And after spending a good 30 minutes explaining how the framers built into our Government a system of conflict between the executive and legislative branches, I opened the floor to questions. My first question: "Where do you stand on scrambling?"

Today, over 2 million Americans receive their television programs directly from satellites. They depend on these signals to bring them the TV programs so many of us take for granted. For rural Americans, a satellite dish in the back yard is essentially important: for these Americans, an antenna on the roof does little good, and cable service stops at the city limit.

The scrambling of satellite-transmitted TV signals is therefore a real and understandable concern: dishowners are afraid they will be denied access to some programs altogether,

that they will have to pay unreasonable fees for others, or purchase more than one expensive descrambler.

H.R. 1885 speaks to these concerns. This bill would ensure that dishowners have access to scrambled programming—at fair and reasonable rates.

Surely, access to television—at rates that are fair—is not too much to ask. I urge the House Telecommunications Subcommittee to move swiftly in approving H.R. 1885.

Mr. ROTH. Mr. Speaker, I appreciate the opportunity to participate in this special order, specifically to discuss fair marketing practices for satellite dishowners through the enactment of H.R. 1885, the Satellite Television Fair Marketing Act. I am proud to cosponsor this legislation.

Many of my northeast Wisconsin residents live in rural areas without access to cable television systems. As a result, many of them are investing in home satellite dishes, the only means available to receive the extensive programming services to which cable subscribers have access. H.R. 1885 does much to ensure the rights of those dishowners and to see that they are not victims of discrimination.

H.R. 1885 will prohibit the encrypting, or scrambling, of satellite programming from the taxpayer-supported Public Broadcasting Service and the Armed Forces Radio and Television Service. Further, it requires that any broadcasting service which encrypts programming for private viewing must make the same programs available to home satellite owners at a price not exceeding rates charged to cable subscribers.

The need for this legislation stems from the continuing development of new and different decrypting devices needed to view a scrambled signal. The programming industry commonly requires the purchase of these new decoders, resulting in persistently rising costs for satellite dish owners. This is blatantly unfair and discriminatory.

H.R. 1885 addresses this problem by seeking the establishment of an FCC-approved encryption system for all satellite television programmers. Anyone scrambling commercial satellite programming would be required to encrypt it in line with FCC specifications. This universal encryption system will expedite the creation and marketing of a standard signal decoder, eliminating the need for satellite dish owners to constantly buy new decoders.

This legislation will also require the Federal Trade Commission to conduct a study to determine whether the programming market is developing competitively and to take necessary steps to ensure competition. This is a positive step.

I urge my colleagues to join me in supporting this long-overdue protection for satellite dish owners, particularly those in rural areas who currently have no option but to accept the current restrictive practice by some commercial programmers.

Mr. ROGERS. Mr. Speaker, I want to begin by thanking the gentleman from Virginia [Mr. OLIN] for taking the time today to talk about this issue, which is extremely important to me and to many of my constituents.

In particular, I want to speak about the need to pass a bill I have cosponsored for two Congresses, H.R. 1885. This legislation is extremely vital for our satellite dish owners, and let me briefly explain why.

First, this bill would guarantee that dish owners would not be denied access to satellite programming. It would prevent programmers from ignoring the satellite dish market and would authorize the setting up of distribution systems to make sure that these programs are available to all who want them.

Second, this legislation will involve the FCC in making sure that a single descrambling device is used for all channels, and that any fees charged for watching satellite programming are fair and reasonable. This is very important in our rural areas, particularly for senior citizens who live on fixed incomes and who must depend on a dish for their link to the outside world.

Finally, this bill would ensure access to the commercial networks and to public broadcasting.

Mr. Speaker, I have heard from hundreds and hundreds of my constituents. They live in rural Kentucky, in the mountains or in remote areas of the State. They often cannot get cable service because of their location. A satellite dish is their only hope of viewing television programming. We must do all we can to ensure that these people have continued access to satellite programming, and I would urge the Telecommunications Subcommittee to move as soon as possible to mark up H.R. 1885. This bill, along with its companion legislation in the Senate, will provide us the means of solving many of the problems now faced by satellite dish owners in my district and all around the country.

I again thank the gentleman from Virginia for his taking this opportunity on the floor to discuss this issue.

Mr. EMERSON. Mr. Speaker, residents who own satellite dish receivers in rural Missouri and across the Nation are asking for our help with an inequitable situation—they are being cut off from television programming by scrambled TV signals.

In rural Missouri—in towns like Thayer, Hayti, and Ellsinore—access to most television program signals is limited, if it is even available at all. These residents cannot receive regular television programming the way most of the Nation can. Moreover, it is impractical for cable companies to run cable into these very sparsely populated areas. To remedy this problem, many of these rural residents have purchased, at great expense, a satellite dish to receive television programs, only to find out later that the television signals they were told they would be able to receive are not going to be scrambled.

Satellite dishes are very often a necessity—not a luxury—to those in rural America who want to get network and news programming. These people have bought their satellite dishes in good faith, only to find out that the equipment is virtually useless unless they now purchase additional descrambling devices—usually with a hefty price tag. But they have no choice if they want to receive television news and entertainment programming.

Many satellite dish owners believe—as I do—that the additional costs of purchasing descrambling equipment above a nominal fee is unfair. Not surprisingly, this dispute has been delivered to the doorsteps of Congress and I think it's time that Congress respond to this situation.

I have heard from hundreds of Missouri residents in the Eighth District who are concerned about the occurring and impending scrambling. Eighth District satellite dish owners are willing to pay for the programs they receive. However, they are not willing—and understandably so—to pay an unreasonable, inequitable price for the service available more cheaply to those who are able to subscribe to cable service—especially when they have already gone to the considerable expense of purchasing a satellite dish.

It is time to get down to business and put the finishing touches on legislation that will protect the viewing options enjoyed by those who have purchased dishes. Satellite dish owners are calling for congressional action on satellite dish legislation. They are not asking for anything more than equity with those who are able to receive cable television at a reasonable fee. Satellite dish owners are asking for consumer protection under the law. Let's stop our foot dragging in Congress, and finish the job. I call on the chairmen and ranking members of the Energy and Commerce Committee and the Judiciary Committee to move forward with legislation to address the very legitimate concerns of our satellite dish owners.

Mr. BLILEY. Mr. Speaker, I rise to express my concern over the satellite dish legislation being advocated today. As my colleagues know this legislation is currently pending in the House Energy and Commerce Committee's Subcommittee on Telecommunications and Finance. The Senate Commerce Committee recently reported similar legislation to the full Senate. In an effort to provide some balance to the discussion I offer the thoughtful additional and minority views of Senators INOUYE and STEVENS, which were included in the Senate report on that bill, and associate myself with their remarks.

ADDITIONAL AND MINORITY VIEWS OF MESSRS. INOUYE AND STEVENS

Despite the efforts of the authors to make positive changes, S. 889, the Satellite Television Fair Marketing Act, is bad legislation. Its foundation rests on circumstantial, anecdotal, and unproven claims. Its edifice contains ill-conceived and expensive remedies. Its precedential value is troublesome. We urge our colleagues either to improve it by amendment or reject it outright.

The television receive-only (TVRO) satellite dish market was created by a decision of the Federal Communications Commission (FCC) about 10 years ago. The Commission permitted persons to own these dishes but without any guarantee that reception would be protected from interference. These TVRO owners, moreover, still had to comply with the illegal interception language in the Communications Act (section 705) and the copyright laws, as well as other pertinent federal, state and local laws, such as zoning requirements.

With this decision and the lowering of TVRO prices, this market burgeoned, and today there are about two million TVRO owners. During this growth period, the questions of illegal interception and copyright remained, and in 1984, the Congress, in the Cable Telecommunications Act, passed a new section 705 that permitted the reception of unscrambled satellite programming under certain conditions. The ration-

ale for this law was that programmers should only be able to control products where they make the effort—by scrambling—to do so.

Soon after this law was passed, programmers either began to scramble or announce their intention to do so. They could no longer afford to give their product away to such a large market without harming their basic business. At the same time, TVRO sales were escalating. The difficulty was that many TVRO sellers were not telling buyers that scrambling was coming and that they were not entitled under law to receive such programming. A recent survey in Satellite Orbit magazine showed that over one-half the TVRO owners said they were not so informed. When these TVRO buyers were eventually informed, they were not surprisingly angry, but not at the sellers who misrepresented the product. Rather, they were angry at the programmers who had a perfect right to scramble in order to protect their product. It is this situation that the Congress has been called upon to address.

There are also other related issues before the Committee. The proponents of S. 889 argue that the programmers and cable companies are engaged in anti-competitive acts. If such acts have occurred, we would be greatly troubled and would be the first to urge governmental action. But, as we will discuss below, the Committee has no proof of such acts.

S. 889 gives TVRO owners a right of access to cable programming delivered via satellite. The authors of this legislation compare this to the compulsory copyright license that permits cable operators to import broadcast signals at certain rates. In other words, the proponents argue that cable operators have a government-given right to retransmit and air broadcast signals, and TVRO owners should be able to do likewise with cable programming delivered via satellite.

This analogy has basic defects. Broadcast signals are shown for free, without restriction. The local broadcaster has no intent to control its signal. In fact, because it is advertiser driven, the larger the audience the better. In contrast, cable programming delivered via satellite is a wholsale product for use by cable systems. There is a definite intent in this case to limit the audience. The more appropriate analogy would be to television network signals sent for use by affiliates or other efforts to wholesale programming. It is important to note that in the case of television network signals, this legislation does not provide for a right of access.

A second concern with the provision of a right of access is that it applies to programming delivered for use by cable systems and not to programming sent via satellite for other uses. The sole exception to this policy is for public broadcasting and that is based on its government support. The authors' rationale for not applying this policy to television network programming is the need to protect local television affiliates. However, this bill does not provide people living outside of local affililates' broadcast areas with a right of access to television network programming. It only requires the FCC to look into this matter. As for all other current and potential uses of satellites to deliver programming, the bill is silent. But what happens if the movie industry decides to send its films via satellite rather than ship copies to each theater? What about new technologies, such as direct broadcast satellites, and their programming?

The authors' limited and somewhat arbitrary viewpoint in determining what programming TVRO owners should have a right to view leads to a fundamental problem with this bill. Just because a signal goes via satellite, the authors permit a right of access. However, what if programmers choose to send their product via microwave or optic fiber cable? Should we give people a right to access these signals too? At one time, programming was sent by these media, and there are plans to resurrect them. The Bell Telephone Companies are now considering an optic fiber system and may have it in place in 2 years. Where will TVRO owners be in such an event?

To construct policy based on the type of transmission media used makes little sense. Voice, data, and even video transmission sent through telephone circuits may go by landlines, terrestrial microwave routes, or satellites; yet, we have never constructed a different right of access policy for these transmissions depending upon the medium used. While some may argue that telephone transmissions are intended to be private, this misses the point. After all, cable programmers could then use the telephone circuits—even over satellites—and the right of access policy would not apply.

This legislation rests on a distinction without a difference. It bases its policy of a right of access on a transient market phenomena—that is, cable programmers' predominant use of satellite delivery—and not on what makes most sense over time. In doing so, it skews the marketplace by providing an incentive for cable programmers, and only these programmers, to use other transmission media.

RIGHT TO BECOME A DISTRIBUTOR

The heart of S. 889 is the so-called third party distribution provision. This provision requires programmers who distribute through a second party to establish reasonable criteria for all other persons (third parties) to become distributors and not to discriminate between distributors. The rationale for this provision is that no cable programmer currently uses a non-cable related distributor and that this results in higher prices and a lack of program packages. The authors believe that by forcing programmers to employ new distributors, these problems will evaporate.

As stated earlier, there is a basic problem with the evidence used to support this provision. Just because programmers distribute either themselves or only through cable cooperators does not mean that a competitive marketplace does not exist. The evidence, in fact, is to the contrary.

Program packages are available, and the prices paid by TVRO owners are the same as, if not less than, those paid by cable subscribers. For example, the average monthly price paid by cable subscribers for a premium movie service is $10.31. A TVRO owner paying an annual fee can obtain this type of service for $9.72/month (HBO). If the TVRO owner does not wish to pay annually and chooses two premium movie services (HBO and Cinemax), the price is $19.95/month or $9.98/month/service. If a TVRO owner wishes to subscribe to basic cable programming services, a package of 10 services can be purchased for $10.95/month, 14 percent less than the average monthly price paid by cable subscribers.

It should be noted that cable subscribers must first subscribe to basic services before being able to buy premium services. TVRO owners face no such requirement. In addition, there are over 75 program signals that are unscrambled and that TVRO owners can receive free of charge.

As for programming packages, they are available from a number of sources, including HBO, Showtime, Netlink USA, Skycable, and Rural TV. (Advertisements for some of these packages are included at the end of my views.) Thus, there is no evidence that TVRO owners do not have program choices or pay a higher price. The evidence presented by the bill's authors that cable programmers and cable operators continue to control the offering of these services is not only not surprising—it is an accepted business practice—but also of circumstantial merit. There is no hard evidence that anticompetitive practices have occurred. Under the antitrust laws, such practices are not per se violations, and evidence of harm must be produced. A similar burden should lie here. To impose the drastic remedy employed in S. 889 is simply not warranted.

In addition to lacking support, the third party distributor provision will result in numerous problems. First, it will foster endless litigation. Imagine a person seeking to become a distributor being rejected because the programmer claims to already have a reasonable number of distributors or because the programmer is unsure of the person's financial or character qualifications. Court is an obvious next stop, particularly in light of the liquidated damages provision of up to $500,000. To determine what are "reasonable financial and character criteria" and what is "discrimination" will take many years and many lawsuits. It is likely that these matters will still be unsettled when the provision terminates in five years. We all know that the laws we enact end up in court from time to time, but to create laws that are so prone to court challenge is something we should avoid. It demonstrates that the law is vague and the remedy uncertain.

Second, while the objective of the authors is to create new program packages, the result may likely be just the opposite. Rather than permitting their programming to be used in packages where they lack control, programmers may decide to sell only directly. Packagers with whom programmers may want to deal will then be unable to market this programming. While some might argue that programmers will not take this route, the decision for a programmer to market directly is not a remote possibility. Many do so today.

Finally, the authors want to create competition to distribution by cable operators, but the third party provision will, in fact, strengthen the hand of cable operators who want to become distributors of certain programming. While cable operators now distribute some programming to the TVRO market, programmers have the ability to withhold their product. With S. 889, programmers will lose this ability. Moreover, since cable operators are now distributing programming to the TVRO market, they will have a headstart over new distributors. This advantage coupled with the financial resources of certain large cable operators may well result in these operators dominating the TVRO market, which runs counter to the intent of the third party provision.

It is clear from these problems that the third party distributor provision has fundamental flaws. The authors seem to admit their approach has problems and have included in this legislation an investigation by the Federal Trade Commission on the very matter on which we are legislating. We agree that an investigation by an expert

agency is the proper route. We can then know whether there is a genuine problem.

CONCLUSION

There may come a day when we need to legislate in the area of TVRO's. We supported the Congress's efforts to do so in the Cable Telecommunications Act of 1984. We would again support Congresssional intervention if, for instance, there was greater proof of anticompetitive conduct. That, however, is not the case here. We are moving forward based not on what exists but on what some claim exist. Such a foundation cannot long endure.

Mr. JEFFORDS. Mr. Speaker, I commend the gentleman from Virginia, [Mr. OLIN] for reserving this special order today. Access to reasonably priced satellite programming is an issue of utmost concern to thousands of dish owners in Vermont.

Satellite dish technology has opened up a whole new range of news, education and entertainment programs for residents of rural America. Americans who never got any educational or network television broadcasts now have a wider selection of programming than many of their urban counterparts.

I should point out that in Vermont, one of the most rural States in the Nation, it is not a question of satellite dishes replacing cable television or displacing local network broadcasts. In many areas of my State, residents are lucky to receive one or two channels. Cable will probably never be available in these areas, so there are simply no alternatives other than satellite dishes.

The promise of this new technology prompted numerous Vermonters to invest over $1,000 each on satellite dish receivers. Aside from movies and other entertainment, satellite dishes brought news, C-Span, educational and artistic programming into their homes.

Access to satellite programming, however, is threatened as more and more programmers scramble their signals. When the scrambling movement caught on back in 1985, I received many letters from dish owners. Almost across the board, they wanted access to programming at reasonable prices—prices which recognize the substantial investment that dish owners have already made.

Satellite dish owners are not looking for a free ride. They want to be treated fairly, and that is what this issue is all about—fairness.

I cosponsored legislation in the 99th Congress that would offer protection for satellite dish owners. This legislation has since been refined and reintroduced by my colleague, Mr. TAUZIN. It is called—appropriately—the Satellite Television Fair Marketing Act.

This legislation seeks to accomplish four main goals:

First, it requires programmers scrambling their services to make those services available to home dish owners.

Second, it directs the Federal Communications Commission to establish uniform standards for encryption of signals.

Third, in order to ensure the development of a competitive marketplace, H.R. 1885 requires an investigation of the pricing and distribution terms of persons selling satellite television programming to dish owners.

Fourth, it prohibits the scrambling of Public Broadcasting Service or Armed Forces Television programming intended for public viewing by television broadcast stations.

Legislation to protect home satellite dish owners has been pending before the Telecommunications Subcommittee since 1985. I join with others today in urging Chairman MARKEY to bring this legislation to the House for a vote.

Rural Americans deserve to be treated fairly, and the Satellite Television Fair Marketing Act would help ensure that they are.

Please join me in supporting this legislation.

Mr. SCHAEFER. Mr. Speaker, it's time to let the marketplace work. Too often we intervene in our economy at the first sign of difficulty; usually creating a worse problem than originally existed. We seem to forget that legislation should be a last resort—enacted only when a market has obviously failed. Few times, however, have we been more premature than in our consideration of scrambling legislation.

Scrambling is not a ploy to undermine the satellite dish industry: it is a justifiable means for cable programmers to protect their product. One need not be an economist to determine that a business will likely not flourish if a good number of consumers receive its product free of charge. It is true that scrambling provides the opportunity to deny programming to dish owners or to charge them exorbitant rates; in such cases, legislative intervention may be necessary. The facts point out, however, that this is simply not occurring.

Rather, a number of sources—including the Federal Communications Commission and the relevant committee in the other body—have concluded that cable programming can be purchased by dish owners at prices comparable or less than those being charged cable subscribers. As for availability, not only are all major networks available to dish owners, about 100 services are currently not scrambled and can be received by satellite dishes at no cost. It is interesting to note that this includes nearly 50 cable networks which offer programming that subscribers pay for. While it may be argued that not enough programming packages are currently available to dish owners, this can be attributed to the fact that so few services are scrambled. As more programmers scramble, more packages will result.

I would hope we all agree that without evidence of misconduct or harm to consumers, Government regulation is unwarranted. I urge my colleagues to examine the facts before again intruding into the marketplace. Mr. Speaker, we are already faced with a shortened legislative session—let's not waste time considering issues which are better left to resolve themselves.

Mr. MONTGOMERY. Mr. Speaker, I want to thank Representative OLIN for taking this time to talk about television programming access for satellite dish owners. This issue has sparked a lot of interest in my State, just as it has in other parts of the country.

Many people across the State of Mississippi do not have access to cable television. In order to tune in news, sports and movie channels, they bought satellite dishes and related equipment. Now that they have invested a great deal of money in this equipment, they find that most of the channels have been scrambled. Mr. Speaker, Congress has an interest in making sure all Americans have the opportunity to receive the wide-ranging types of programming available by satellite.

Most dish owners have said they are willing to pay a reasonable rate to be able to receive these services. They simply want to have access to the same kinds of programming enjoyed by others who have chosen to live in more urban areas, where cable television is offered.

The pending legislation will help restore fairness and will clear up confusion that has gone on too long. The bill we have cosponsored provides for a competitive rate structure and will make sure the process meets government standards. I hope Congress will be able to move ahead with this legislation in 1988.

Mr. UPTON. Mr. Speaker, there are over 56,000 people in the State of Michigan who have invested thousands of dollars in home satellite dishes. Many of these people are from middle and lower income groups, and have very little extra money. Most of these people live in areas that are unable to receive normal television transmissions and have no access to cable.

Yet, because these people want to communicate with the outside world like the rest of us, their only recourse is to invest their hard-earned money in a satellite system. They have to go to enormous effort just to receive the television coverage that most Americans take for granted. However, even after taking the initiative to purchase a satellite dish, people are not assured of the television reception they desire.

Because of a struggle among the big communications companies, many home dish owners still are denied the reception they thought they had purchased. As the various programming industries argue among themselves about new technologies and market shares, the average satellite dish owner is left out in the cold.

Whether we like it or not, television plays an extremely important role in our lives. T.V. is the prime source for news and entertainment for most Americans. It follows, then, that people who are unable to receive this service, are missing out on a vital aspect of American culture. This just doesn't seem fair, and I believe Congress has a responsibility to explore potential remedies to this situation.

That's why I support the efforts of the gentleman from Virginia [Mr. OLIN] to address this situation. That's also why I have decided to cosponsor H.R. 1885, the Satellite Television Fair Marketing Act. The purpose of this legislation is to allow home dish owners to buy programming at fair prices. It is not anticable; it merely allows programmers to be fairly paid for their services, and gives satellite customers the opportunity to purchase the television services that the rest of the country enjoys.

I pledge to do what I can to push for passage of this legislation, and I urge my colleagues to do likewise.

Mr. HAMMERSCHMIDT. Mr. Speaker, I join today with several of my colleagues to bring the plight of satellite dish owners to the floor of the U.S. Congress. The people of northwest Arkansas, whom I represent, have a very strong interest in having access to the airwaves. My district covers a wide area which

includes the Ozark Mountains and its accompanying valleys. Most sections are quite removed from metropolitan areas. As a result, they are unable to receive television signals from the larger cities.

Many have come to rely on their satellite dish as their window to the world. For example, in some areas there is a 3-day lagtime between publication and delivery of the daily newspaper. However, with a satellite dish individuals are able to watch the nightly news that same day. Others are several hundred miles from the nearest major league sports teams and their satellite dish provides a way for them to enjoy real time major sporting events. Some are simply unable to receive the simple day-to-day programming that most of us take for granted.

Conservative industry estimates place the number of satellite dish owners nationwide between 1.5 and 2 million. However, those numbers represent households—in actuality that means 7 to 8 million individuals.

This country has always held that access to the airwaves is a fundamental right. To deny this right to a group of American citizens is wrong.

When Congress enacted the 1984 "Cable Communications Policy Act," it was hoped that it would both ensure competition in the marketplace and thereby ensure program accessibility to the satellite dish owners. However, this has not proven to be the case.

Nevertheless, I understand that the broadcasters have legitimate concerns. They have a right to sell their products, namely satellite transmissions and programs. Further, they have a right to make a profit from their property.

That is why I am a cosponsor of H.R. 1885, the Satellite Television Fair Marketing Act, which provides for a compromise between all sides involved. The bill allows programmers to be fairly paid for their property, through scrambling and sale of their services, but the legislation further mandates that the marketplace be truly open and competitive. For satellite dish owners, the bill mandates that broadcasters scrambling satellite services intended for private viewing make those services available to home television viewers. This legislation does not prohibit scrambling. However, it does require that programmers deal fairly with the dish owners.

I would encourage my colleagues who serve on the Energy and Commerce Committee to continue their work on this bill and to report the legislation favorably as soon as possible.

Mr. NICHOLS. Mr. Speaker, about one-half of Alabama's Third Congressional District, which I represent, is located in the foothills of the Appalachian mountains. Within this gorgeous terrain, areas exist where, with a 100-foot antenna, one might receive one or two television stations. In these mountains, our cable companies cannot operate profitably, therefore, with the exception of some towns, cable television does not exist.

The only way many of my constituents can receive national programming of the variety we get in this city, is to purchase an expensive satellite dish. This represents quite an investment for a family and I have received hundreds of letters over the past 2 years from dish owners, complaining about the networks scrambling their signals and charging excessive fees for monthly access when decoders were not even readily available. Our constituents believe, and correctly so, that their tax dollars financed the research that allowed the satellites to be launched in the first place. They realize that certain satellites are owned by private enterprise but they also believe that they have every right to benefit from these satellites, and they are willing to pay a reasonable access fee for this service.

I was hopeful that the Federal Communications Commission might mediate a solution to this problem some months ago but this has not been the case. If the FCC is not going to take care of our constituents through regulation, then the Congress needs to act in providing some relief so that rural America may benefit from the television coverage that we here in Washington take for granted.

For this reason, I join with other Members of Congress in cosponsoring legislation which permits dish owners to have access to the same programming that is available to cable television subscribers.

I want to commend my friend and colleague, Congressman OLIN of Virginia, for organizing this special order so that we can express our concern for this real problem. Mr. OLIN'S district in the foothills and mountains of Virginia, is similar to the topography in my district in Alabama. Our people experience the same problems in television reception and I deeply appreciate his calling for this special order to address this problem. Thank you.

Mr. BRENNAN. Mr. Speaker, I rise today as a cosponsor and strong supporter of H.R. 1885.

H.R. 1885, the Satellite Television Fair Marketing Act, would ensure that scrambled satellite signals are provided to home satellite dish owners under fair terms and for fair prices. This bill does not prohibit scrambling; it merely ensures that the market that the cable companies virtually control, develops competitively. By allowing the cable companies control over the satellite market, we are denying the most needy people this service.

Home satellite dish owners are being discriminated against. This problem is particularly prevalent in rural areas where there is no alternative access to cable or any other broadcasting service.

Based on nationwide statistics, Maine has approximately 9,000 home satellite dish owners. Many of these people live in rural areas of the State with no other broadcast signals. They depend on access to these satellite signals. I am concerned about these people and I believe that they have a right to access to broadcasting signals for a fair price. Television should not be an unobtainable luxury for these people.

I join with my colleagues in support of H.R. 1885 to ensure home satellite dish owners access to scrambled satellite signals.

Mr. LOTT. Mr. Speaker, I am pleased to join this special order of the gentleman from Virginia [Mr. OLIN] on the issue of television program access for satellite dish owners. I want to commend the gentleman for taking this time to call attention to the nature of the problem and to demonstrate the degree of support in this Congress for an acceptable legislative solution.

As most of my collegues are well aware from their constituents, satellite dish owners are rapidly losing access to more and more programs due to the scrambling of TV signals. This is particulary disruptive for people living in rural areas, as in much of my own State of Mississippi, who are far removed from the signals of metropolitan TV stations and who have no access to cable. They are dependent on their satellite dishes as their sole means of receiving TV programming.

Mr. Speaker, to remedy this problem, I have joined with my good friend and colleague from Louisiana [Mr. TAUZIN] in cosponsoring H.R. 1885, the "Satellite Television Fair Marketing Act of 1987." I am pleased that this legislation now enjoys the strong support of 125 of our colleagues in the House.

This bill would require those who scramble satellite services intended for private viewing to make it available to satellite dish owners. If they sell their programming through others, the bill would require that they must also establish reasonable business criteria so others may qualify to distribute their programming.

The bill would further give the FCC authority to establish uniform standards for scrambling and initiate rulemaking to facilitate the provision of network television signals outside the range of broadcast station signals.

The FCC would also be charged with investigating the pricing and distribution terms of persons selling satellite programming to home satellite antenna owners to determine whether the market place is developing in a competitive fashion.

Mr. Speaker, I am greatly encouraged by the fact that the Senate Commerce Committee last fall reported a nearly identical bill to the Tauzin bill, requiring that programmers who scramble signals to cable owners make it available to dish owners. I am hopeful this action will prompt our own Energy and Commerce Committee to report H.R. 1885 in the very near future so that satellite dish owners will no longer be relegated to the status of second class citizens by mere fact of their geographic situation.

PERSECUTED SOVIET CHRISTIANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. PORTER] is recognized for 60 minutes.

Mr. PORTER. Mr. Speaker, as you well know, this year marks the millenium of Christianity in Kievan-Rus, which is now part of the Soviet Union. Today, on Ash Wednesday, countless Soviet citizens are denied the opportunity to observe this holy day with the dignity and ceremony and passion it merits.

The Soviet Union is a signatory to the Helsinki Accords, the International Covenants on Human Rights, and the United Nations Universal Declaration of Human Rights. The Soviet Union's own Constitution guarantees freedom of religion. It is, Mr. Speaker, a sorrowful reality that Soviet words are not followed by Soviet actions. Over 160 known Soviet Christians languish inside Soviet prisons and psy-

chiatric hospitals for simply teaching religion to the young or distributing the Bible.

Changes in the Soviet Union since Gorbachev came into power are, unfortunately, largely cosmetic. Although I welcome the reforms and am encouraged by the expansion of permissible dissent, I fear that these changes are not felt outside Moscow and Leningrad. I am concerned that the improvements in Soviet human rights in 1987 are not being reinforced by substantive policy changes that ensure the continuance of those improvements in 1988, 1989, 1990, 2000 and thereafter.

Ash Wednesday is the beginning of Lent when we are asked to give up something to mark the crucifixion. It is ironic that Soviet Christians are asked not to give up something symbolic but their religion itself. After 1,000 years, Christians throughout the Soviet Union struggle for the right to practice their religion openly.

This year provides an excellent opportunity for the Soviets to demonstrate their commitment to human rights by providing a general amnesty to the over 250 prisoners and exiles held solely for their religious beliefs.

Mr. Speaker, upon request of the Soviets, the Helsinki Commission recently met with Soviet legislators to discuss a formal body, including Members of Congress and Members of the Supreme Soviet, which will focus on congressional human rights concerns. You can be sure that the plight of Soviet Christians will be high on the agenda.

Mr. LANTOS. Mr. Speaker, today in this country and throughout the world, Christians celebrate Ash Wednesday—the beginning of Lent. In the Soviet Union, this period also marks the 1,000th anniversary of the introduction of Christianity in Kievan Rus. Despite its long and glorious history and its lasting impact upon Russian culture, Christianity in the Soviet Union today faces persecution that some liken to the earliest martyrdoms.

In our great country, religious freedom has always been, and continues to be, a right which all Americans accept and cherish, although we are frequently divided over how to interpret nuances of the First Amendment's prohibition against the establishment of a state religion and its guarantee of free religious expression. On the other hand, in the Soviet Union there is no debate, there are no constitutional protections, there is no religious freedom. Soviet communism is a jealous god, tolerating no others.

There is a very conscious effort on the part of Soviet authorities to stifle religious practices in their own country. For instance, Soviet criminal law specifically prohibits formal religious instruction to children under 18 years of age, it requires the registration of all religious organizations—including the names of individual members of the organization—and it prohibits the defense of religious institutions in the face of incessant atheistic propaganda. In addition, Soviet authorities also invoke a host of seemingly unrelated antiparasitism and prohibited trade laws to discourage and dissuade those who wish to practice their religion.

Incredibly, religious detainees often spend longer terms in prison than individuals guilty of violent crimes, because they refuse to sign statements retracting their beliefs, which are required for early release. Currently, we know of at least 169 such prisoners of conscience in the Soviet Union, imprisoned for their religious beliefs and practices.

Perhaps more threatening to religious individuals than imprisonment or public harassment, is the prospect of losing their children to the state. Authorities in the Soviet Union have invoked the Soviet Family Code to forcibly break up families under the code's provision mandating that parents raise their children as "worthy members of socialist society."

The Soviet Union has pledged in international agreements to recognize basic human rights. To satisfy these international obligations the Soviet Union should make the following changes: (1) churches and religious societies should be granted legal status; (2) church property must be controlled by churches, not the Government; (3) religious organizations should be allowed to counter atheistic propaganda; (4) religious instruction should be freely available and groups must be free to form without registering; and (5) religious individuals should be allowed to emigrate.

If the Soviet Union is serious about expanding thought, criticism, and creativity, if glastnost is to be interpreted as openness and not as simply improved public relations, then let the Soviets prove this by granting Soviet citizens basic religious freedoms.

Mr. Speaker, I would like to call to the attention of my colleagues one specific victim of religious repression in the Soviet Union, Viktor Samuilovich Walter. Mr. Walter is a Pentecostal pastor of the unregistered church in Chuguyevka. He has been imprisoned since November 1985 for keeping his children from school, where they suffered persecution for their religious beliefs. Mr. Walter is serving a 5-year sentence and wants to emigrate from the Soviet Union with his wife and seven young children following his prison term. I urge the Soviet Government to release Mr. Walter and permit him and his family to emigrate.

Mr. Speaker, I call upon my colleagues in the Congress to join us in marking this day in celebration of the season and by calling attention to the continued repression of churches and religious individuals in the Soviet Union.

Mr. GILMAN. Mr. Speaker, I would like at the outset to thank my colleagues on the human rights caucus, Congressman LANTOS, Congressman PORTER, and Congressman BOULTER, for arranging today's special order. It is an important issue which deserves our timely attention.

Although we have been led to believe that the Soviet Union is an atheistic society, the truth is that there are many millions of faithful believers who adhere to the tenets of a particular church or religious philosophy. Because of their faith, Christians in the Soviet Union who depart from official registration are frequently the target of official reprisals against them. These take many forms, including the restriction of religious materials, the appropriation of church buildings for museums, the discrimination of adherents in the areas of education, employment, and housing, and the arrest and imprisonment of many priests and other religious leaders.

Those who belong to a group which has been officially allowed to register with the Ministry for Religious Affairs find their lives governed by officially sponsored and approved religious leaders who take their orders from the Ministry. The freedom to worship in the manner which they desire is therefore set by Soviet authorities. Those who refuse to conform to the religious standards set by the state are then subject to harassment and possible arrest.

This year Soviet Christians will be celebrating 1,000 years of Christianity in Russia. They deserve our support for their efforts to practice their religion freely. The Soviet Union is signatory to the Helsinki Final Act, which specifically guarantees citizens of signatory nations the "freedom of thought, word, religion or deed." Glasnost notwithstanding, Soviet Christians continue to face severe obstacles in their pursuit of religious freedom. Therefore, it is our moral responsibility as Americans who believe in freedom of religion to support these men and women in their attempts to promote Soviet compliance with this principle of the Helsinki Final Act.

Mr. Speaker, last month I had the opportunity to spend several days in Moscow. While there, I had the opportunity to meet with a group of Evangelical Christians, who relayed to me the ongoing obstacles to their freedom of worship. They and many other Christians, including Pentacostalists and Baptists, Catholics and many others, continue to suffer for their religious beliefs. Today's special order is our message to them that they are not alone. We know of their plight, and we support them as they continue their struggle for religious freedom in the Soviet Union.

Mr. WOLF. Mr. Speaker, there is a provision in our Constitution whereby our Founding Fathers guaranteed religious rights for all Americans. Americans have incredible opportunities every day to express or not to express their religious desire. We can ride down the street and see many places of worship and are free to enter them or not. We are free to worship as we please and free to speak and meet with the religious liberty we possess.

There are Christians, however, who are imprisoned and persecuted in the Soviet Union for practicing their faith. Communism, as an ideology, holds no guarantee for religious rights. Josef Stalin said in 1927 that:

> The Communist Party cannot be neutral toward religion. It stands for science, and all religion is opposed to science.

This has been the mindset of the Soviet Communist Party, from Lenin to Gorbachev, toward religion.

Religion and communism have been historical enemies and Communist officials have been intolerant toward expressions of religious faith. While we hope that the reforms taking place in the Soviet Union can change inherent attitudes in Soviet political culture, the persecution and antagonism of Christians and Christianity in the Soviet Union is embedded in the doctrines of the Communist Party and was articulated by Karl Marx in 1844:

> The abolition of religion as the illusionary happiness of the people, is the demand of real happiness . . . the imaginary flowers of

religion adorn man's chains. Man must throw off the flowers, and also the chains.

Present Soviet policy puts pressure on all religious believers despite the Soviet Union's signature on such international affirmations of religious freedom as the U.N. Charter, the Universal Declaration of Human Rights, the U.N. Declaration of Religious Intolerance, and the Helsinki Final Act. In fact, at this very moment we find Christians who are persecuted and incarcerated in gulags and psychiatric hospitals for their religious activities, unregistered or unofficial churches are closed and their members harassed, and Christians are unable to join the Communist Party and are excluded from the privileges of special jobs and apartments that this status brings. In the Soviet Union Bible production and distribution and the training of seminarians and pastors lags far behind the need of the Soviet population, and religious gathering of any kind outside the official churches is strictly prohibited.

We have seen some movement on behalf of the Soviets to address the problems of their religious population. Our colleague CHRIS SMITH and I attended a recent conference in the Netherlands where we talked to the Soviet delegation and submitted a list of Christians still imprisoned in the Soviet Union. We pushed the Soviet delegation for a general amnesty of Christians and specific religious liberty issues. While dialog such as this is always promising there remain many persecuted and imprisoned Christians in the Soviet Union.

One such imprisoned Christian is Vasily Shipilov, who is a 65-year-old Russian Orthodox believer who has spent 47 years in a Soviet psychiatric hospital. He was arrested in 1939 as a 17-year-old seminarian and sentenced to 10 years of hard labor. He was released in 1949 but was arrested again the same year for preaching his faith. Since that time he has been diagnosed as schizophrenic and confined to psychiatric hospitals. In 1979, Shipilov was discharged from his psychiatric imprisonment but because he had no living relatives he could not leave and remains confined in his hospital prison.

Vasily Shipilov's case has been taken up by the Reverend Doctor Richard Rodgers. Reverend Rodgers is a man whom I would like to recognize as someone whose commitment to Soviet Christians is extraordinary. The Reverend Rodgers is this very day beginning a demonstration in London's Trafalgar Square. He will spend the season of Lent—Ash Wednesday to Easter—in a cage, with his head shaved and eating only bread and water to simulate the conditions Vasily Shipilov has to endure because of his faith. Reverend Rodger's commitment to Christians is most commendable. His actions have graphically brought to the world's attention the horrors faced by prisoners of faith in the Soviet Union.

What is needed is commitment similar to that exhibited by Reverend Rodgers and rekindled interest, by Christians of all denominations, churches, church organizations, and schools, in religious liberty and Christians imprisoned in the Soviet Union. Keston College, the foremost authority on imprisoned Soviet Christians, has documented a list of 168 Christians who have been imprisoned for their faith. While religious freedoms in the Soviet Union are restricted the religious community in the United States has been strangely silent in this regard.

The Jewish community in the United States is highly motivated on behalf of Soviet Jewry. My wife, Carolyn, and I attended the December 7, 1987, march for Soviet Jewry and were impressed by the numbers of people that attended and the lengths they traveled to get to Washington, DC, for the march. If Protestants and Catholics were equally motivated on religious liberty issues, the march assembled in Washington could potentially be one of the largest in the world. Soviet Christians and religious liberty issues, however, do not elicit the same emotional response in this country as Soviet Jewry. Fellow Christians in the United States have simply not taken up the cause.

There are specific actions Christians and those interested in religious rights in the Soviet Union can take to help believers in the Soviet Union. Letters and cards to the prisoners and the prisoners family and letters to Soviet officials, including General Secretary Gorbachev, will alert Soviet authorities that the believers in the United States have not forgotten their Soviet brethren.

Some of my colleagues and I have sponsored a project called the Christian Adoption Program where Members of Congress "adopt" individual prisoners. The man that I have adopted is Viktor Petkus. Viktor is a 57-year-old Lithuanian Roman Catholic who has been arrested three times because of his efforts on the Helsinki Human Rights Monitoring Group and his fervent activities in religious youth work. He was tried in 1978 and sentenced to 3 years prison, 7 years strict regime camp, and 5 years of exile under Soviet law 241/3 which prohibits involving minors in criminal activity. Viktor's crime was his religious work with Lithuanian young people. In adopting Viktor, my staff and I have written to Viktor and have circulated and signed letters with other Members of Congress asking General Secretary Gorbachev for Viktor's release.

Letter campaigns, persistent attention to Soviet Christians and religious liberty issues, and the "adoption" of individual churches and prisoners in the Soviet Union will keep Soviet Christians and religious persecution at the forefront of the United States Soviet dialog and will contribute immensely in gaining the freedom of Soviet prisoners of faith.

If we are serious about helping our fellow brothers and sisters in the Soviet Union there are organizations to contact for information. If anyone would like to know how to adopt a Soviet Christian who is being persecuted for religious beliefs or otherwise help Soviet Christians who are imprisoned the "Coalition for Solidarity with Christians in the USSR" which is located at 729 15th Street, NW., Suite 900, Washington, DC, 20005, and "Open Doors International" whose address in Box 27001, Santa Ana, CA 92799, are ready and willing to help direct those interested in helping Christians in the Soviet Union.

This year is the millennium of Christianity in the U.S.S.R. The 1,000 years that Christianity has survived in the Soviet Union amidst the turmoil and change illustrates the deep-rooted faith of the Russian people. We have had dialog with, and promises from, Soviet officials concerning Christians in the Soviet Union. Members of Congress, the religious community, and all Americans interested in human and religious rights have the unique opportunity to bring to the attention of General Secretary Gorbachev and President Reagan, at their upcoming summit in Moscow, the plight of Christians in the Soviet Union. Glasnost gives us a chance for frank and open dialog with Soviet officials at the highest levels on human rights and religious liberty. We must seize this opportunity for Vasily Shipilov, for Viktor Petkus, and all persecuted Christians and Christianity in the Soviet Union.

Mr. BOULTER. Mr. Speaker, I rise today to take part in this special order and to make my colleagues and the American people aware of my concern about a specific Soviet Christian, Vasili Shipilov, who has spent 47 of his last 48 years in incarceration.

In 1939, Vasili was arrested during the Stalinist purges of the 1930's for his religious convictions while studying as a committed Russian Orthodox believer at the Clerical Seminary. After his release in 1949, he was again arrested on charges of anti-Soviet propaganda, but was declared mentally incompetent, diagnosed as schizophrenic, and placed in the special psychiatric hospital in Kazan. As a result of beatings and insulin injections, he began to suffer from convulsions. The diagnosis was changed to epilepsy and they began to treat him for the convulsions. For over 29 years Shipilov was constantly beaten for crossing himself and for fasting. He was pressured to renounce his religious convictions. In 1960, Shipilov was confined to the Sychevka SPH where the head of section 9, Yelena Masimova, repeatedly told him, "You will be here until you renounce your faith, unless you're killed first." Serbsky Institute Prof. Yelizaveta Kholodkovskaya, who headed the commission for discharges, constantly told Shipilov that no one knew about him and no one would ever know, and therefore "anything might happen" to him.

In August 1977, Shipilov was released from the Sychevka SOA and sent for compulsory treatment to a general psychiatric hospital in the settlement of Poimo-Tiny.

Vasili has no family; most of his relatives were shot or died in labor camps between 1937 and 1947.

With the celebration of the millennium of Christianity's arrival to Kievan-Rus in 988 to be commemorated this year, I am sending a letter to General Secretary Gorbachev signed by a number of my colleagues requesting that the Soviets release Vasili and truly grant him the right to live and worship as he chooses. The Soviet Constitution and various international human rights accords, to which the Soviet Union is a signatory, guarantee the exercise of religious freedoms. This is an ideal year for the Soviets to prove to the world that their policy of glasnost truly extends to allow Christians in the Soviet Union like Vasili to freely worship and practice their faith.

Further, the general characteristics of Soviet repressive psychiatry represented in Vasili's case are alive and well amidst the present clamor over glasnost and perestroika. The Soviets are talking about cleaning up their widespread psychiatric abuses. I, for one, look forward to seeing some real action behind this

talk to stop one of the most egregious Soviet violations of international human rights—for Christians, Jews, and all prisoners of conscience within the Soviet Union.

Mr. HENRY. Mr. Speaker, clearly, winds of change are blowing across the Soviet Union. But only time will tell if they are the warming winds of freedom and human rights or the old cold winds of the Siberian north. While we welcome the promise of glasnost, we must not be beguiled into thinking that promised change necessarily indicates a firm commitment to changed conditions—only carefully monitored changes in government policy and performance make such a determination.

Roughly one-third of all religious and political dissidents imprisoned in the Soviet Union today have been sent to jails, prisons, labor camps, and psychiatric institutions since Secretary Gorbachev came to power. The Soviet Union still refuses to allow legal personhood to religious communities. Religious adherents are still imprisoned or even placed in psychiatric institutions—a practice so abhorrent that the Soviet Union has been forced to withdraw its membership from the World Pyschiatric Organization.

While it is true that there have been well-publicized individual releases of religious dissidents in the Soviet Union in recent months, of those prisoners which have been released, most have not had their sentences commuted, nor received pardons. Many were simply released on "orders from a higher authority." A few had been warned that if or when things change, they would be picked up again to finish their term of sentence. While Soviet authorities are reported to be currently reviewing their entire set of interlocking criminal codes, the additions to the criminal code in 1983 which placed greater restrictions on believers and in many cases lengthened sentences, still remain law.

Over 2 months ago, a letter addressed to Secretary Gorbachev and signed by 257 of my colleagues was delivered to the Soviet Embassy. In an effort to remind the Soviets of their obligations under the Helsinki accords which states that: "Everyone has the right to * * * manifest his religion or belief in teaching, practice, worship and observance," this letter outlined 17 broad categories of the types of religious oppression and repression which Soviet citizens face. We have yet to receive any type of acknowledgement or response to this letter.

The State Department's "Country Report on Human Rights for 1987" states that "prison and camp conditions have not improved this year; they may have grown worse, owing to more consistent regulations which are harsh. Life in prison continues to be marked by isolation, poor diet and malnutrition, compulsory hard labor, beatings, frequent illness, and inadequate medical care."

1988 marks the millennium of the celebration of the Russian Orthodox Church. Nothing would be more fitting in a way of recognizing this event than the release of and general amnesty for all Christians who have been persecuted and imprisoned for their acts of faith. Meanwhile, we will continue to press for the promises of glasnost to become reality for these individuals.

Mrs. ROUKEMA. Mr. Speaker, we in the United States hear quite a bit these days about openness in the Soviet Union, about new freedoms and rights under the rubric of glasnost. And when we do hear about Soviet oppression it is most often in reference to Jewish refuseniks who remain heavy on our minds and hearts because we care so deeply about their cause and their fate. But we should not forget other Soviet citizens who endure oppression for their religious convictions.

Today, we commemorate and draw attention to the Soviet Christian whose plight is less famous but no less tragic. The Soviet Union is still a country where religious freedoms are not recognized, nor permitted. Take the case of Stepan Mefodyevich, a 56-year-old Baptist man who was arrested in April 1986 for violating the laws on separation of church and state, infringement of the person and rights of citizens under the guise of performing religious rituals, and slandering the Soviet state and social order. Stephan Mefodyevich was sentenced to 5 years' strict regime camp plus 3 years exile. He is a man with nine children, four of which are minors, and for his so-called crime, he must wait until 1994 before he can hope to be with his family once again.

Religious tolerance is one of the most fundamental rights known to man, and yet it is not recognized in the Soviet Union. I join my colleagues in commemorating the 1,000 years of Christianity in Russia by urging Soviet Leader Gorbachev to begin the process of glasnost by releasing Stephen Mefodyevich and acknowledging religious freedoms and tolerance in his country.

Mr. HOYER. Mr. Speaker, as chairman of the Helsinki Commission, I am pleased to take part in this special order on the plight of Soviet Christians in the Soviet Union. I commend my colleagues JOHN PORTER, also a member of the commission, TOM LANTOS, and BEAU BOULTER for their initiative in bringing this issue to the attention of Congress and the American people.

In May 1986, the Soviet journal Our Contemporary published a piece by the prominent Russian writer Viktor Astafyev entitled "Who Stole Our Soul?" I would like to quote from parts of that article:

"What happened to us? * * * who hurled us into the depths of evil and misfortune, and why? Who extinguished the light of goodness in our soul? Who blew out the lamp of our conscience, toppled it into a dark, deep pit in which we are groping, trying to find the bottom, a support and some kind of guiding light to the future?

"* * * they stole it from us and did not give anything in return, giving rise to unbelief, an all encompassing unbelief * * *

"To whom should we pray? From whom should we ask forgiveness?"

Mr. Astafyev knows the answer although he doesn't come right out and say it. The party stole that guiding light to the future when it declared war on religion. Stalin intensified the war in 1929 by a murderous attack on religion that resulted in the deaths and imprisonment of thousands of priests and ministers. Mr. Khrushchev assaulted religion in the early 1960's when churches all over the Soviet Union were closed, and religion was savaged in the press. Although General Secretary Brezhnev signed the Helsinki accords in 1975, during the Brezhnev era thousands of believers were imprisoned or otherwise persecuted for attempting to practice the religious freedom guaranteed them under the accords.

But now, under Mr. Gorbachev, a few perceptive writers such as Mr. Astafyev and others, have begun, if only indirectly, to publicly criticize the Soviet Government for repressing religion. They have begun to admit the truth of what the psalmist said over 2,000 years ago when he wrote: "Except the Lord build the house, they labor in vain that built it. * * *"

But this truth has also been raised in the past by individuals who have not been fortunate enough to be published in the Soviet press. Indeed, some of them are in prison for expressing similar thoughts. I am thinking in particular of Fathers Sigitas Tamkevicius and Alfonsas Svarinskas who, from their pulpits in churches in Lithuania, exposed the effects of enforced atheism on their people: the alcoholism, the crime, the indifference to human dignity, the deep cynicism, and untruthfulness that pervades so much of Soviet society. They are now in Perm Camp 35, serving long sentences for "anti-Soviet agitation and propaganda."

Father Viktor Rusak, a Russian orthodox priest, attempted to "fill in the blank spots" as General Secretary Gorbachev would say, on the Soviet Government's long history of repressing Christianity. Father Rusak shares Perm Camp 35 with Fathers Tamkevicius and Svarinskas.

In Latvia, a number of Lutheran priests have been actively attempting to reinstill religious faith in their people after years of stagnation and indifference. Regrettably, the hierarchy of the Lutheran Church has chosen not to support these pastors, but rather to deprive them of their parishes and fire them from their positions at the Theological Institute. The Ukrainian Church, outlawed at an illegal synod in Lvin in 1946, remains illegal. Dozens of Baptists, Pentecostals, and Jehovah's Witnesses remain imprisoned.

Mr. Speaker, there have been some positive changes in the Soviet Government's attitude toward religion. Perhaps, as Mr. Gorbachev attempts to reinvigorate the Soviet economy, he and his policymakers have come to realize the importance of religious invigoration. From approximately 270 Christians in labor camps and exile about 1 year ago, the number now, according to Keston College, is around 150.

Nevertheless, men like Fathers Tamkevicius, Svarinskas, and Rusak, and many other devoted Christians still languish in labor camps or exile. Last year, Konstantin Kharchev, chairman of the Soviet Council on Religious Affairs, told Senator LUGAR that "all prisoners of faith" would be released by November 1987. This has not taken place. In this year of Christianity's millennium of Kievan Rus', I call upon the Soviet Government to release the remaining prisoners of faith and allow them to continue their Christian witness to their fellow citizens.

Mr. MRAZEK. Mr. Speaker, as we commemorate the millennium of Christianity in

Kievan Rus', which is now part of the Soviet Union, it is important to acknowledge how difficult it is for many Soviet Christians to openly practice religion. Unfortunately, the much discussed policy of glasnost—openness—has done little to provide religious liberty in the Soviet Union.

For instance, Ivan Plett, a Baptist that I have adopted as a Soviet Christian, was arrested in July 1986 for the third time. Soviet authorities had been confiscating religious literature during searches in the homes of several members of his church. Ivan had been working underground for the church, in order to sustain the church in some way. He has since been sentenced to 5 years in a strict regime camp.

No one in the Soviet Union or any nation should be in Ivan's situation. Like Ivan, many are there because they organized religious classes for children or read the Bible. Unfortunately, there are nearly 200 believers of many religions in psychiatric hospitals, prisons and labor camps in the Soviet Union today. And those in psychiatric hospitals are forced to renounce their belief in God, when promises of immediate release are brought forth.

This repressive policy must stop. I strongly encourage the Soviet Union to grant general amnesty to all Christians who have been imprisoned because of their religious beliefs. The distribution of Bibles and other religious materials should not be a crime. To worship or teach one's faith in church or at home should be permitted without question. I believe that now is the time for a strong Soviet commitment to comply with its obligations under the Helsinki Final Act of the Conference on Security and Cooperation in Europe and other pertinent agreements.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today in support of the powerful statement which will be made in the coming 40 days of Lent by Englishman Dick Rodgers. Dr. Rodgers is an orthopedic surgeon who is an Anglican priest and has now committed his life work on behalf of the Christians imprisoned in the Soviet Union. Today in London's Trafalgar Square in a makeshift prison—designed to highlight conditions in a Soviet prison—Dr. Rodgers began his 40-day bread and water only fast.

Mr. Speaker, Dr. Rodgers is focusing on the specific case of Vasili Shipilov, but joins us in spirit in calling for the release of all Christians imprisoned in the Soviet Union because of their religious convictions. Mr. Shipilov was first arrested at the age of 17 and has since spent 39 years in labor camps, prisons and psychiatric hospitals. In a remarkable testimony to the power of faith and human courage, Mr. Shipilov tenaciously clings to his faith. Currently he is in a psychiatric hospital in Siberia. His "crime" was preaching the gospel and denouncing the horrific tactics of the Stalinist regime. His story is only one of the nearly 200 cases of imprisoned Christians about which we have specific information. These are only the cases about which we have detailed, reliable information; responsible human rights activists have suggested that there are many, many more.

Mr. Speaker, I believe our concerted efforts in calling for an amnesty for these religious men and women is an issue whose time has come. This is not an emigration issue—and certainly that issue is important—Mr. Speaker, but this is a call for religious liberty and freedom for those who are tortured for their faith. In December, I was joined by my good friends, BEAU BOULTER, JOHN PORTER, TOM LANTOS, FRANK WOLF, and PAUL HENRY, introducing a resolution which outlines our concerns. The initiative, House Concurrent Resolution 223, now has about 140 cosponsors and we've only just begun to organize congressional support. I ask unanimous consent to include the text of the resolution in the RECORD following my comments here on the floor today.

Mr. Speaker, in early January, my good friend Representative FRANK WOLF and I had the opportunity to raise the matter of religious freedom and the imprisoned believers with Feodor Burlatskij, chairman of the newly formed Soviet Commission on Human Rights. The frank exchanges which we had with Mr. Burlatskij helped underscore the growing concern in the United States and in the West for religious freedom. We presented lists of specific prisoners to Mr. Burlatskij and we expect a followup to our discussions in the near future.

A couple of weeks ago I had the opportunity to present again our grave concerns to Soviet officials with respect to the peoples of all faith in the U.S.S.R. In a panel discussion with Vasiliy Zakharov, Soviet Minister of Culture, I made it clear that the prerequisite for respect and trust by the West, and especially the United States of America, was authentic protection of human rights for all Soviet citizens—including the freedom to worship and practice one's faith in homes and in churches.

Over the last few weeks, Mr. Speaker, I was pleased to hear from a number of top-level administration officials, including Secretary George Shultz, Ambassador Richard Schifter and Deputy Secretary John Whitehead that the release of the imprisoned Christians, and people of other faiths, is very high on the U.S. priority list.

Mr. Speaker, I believe the Congress and the administration and all who negotiate on our behalf with the Soviets should continue stressing the U.S. connection between international security measures and human rights. We must continue to raise a unified voice of concern for not only the specific Christian individuals included in this list but all people of faith—Christians, Jews, Muslims, and others—in the Soviet Union who have a well-founded fear of harassment, repression and imprisonment.

Mr. Speaker, all denominations are subject to the harassment. This list includes Baptists, Georgian Orthodox, Lutherans, Pentecostals, Russian Orthodox, Roman Catholics, Seventh Day Adventists, and Ukrainian Catholics. The charges range from treason and anti-Soviet propaganda to hooliganism, parasitism or involving minors in criminal activity. Nonetheless, the underlying "problem" in the eyes of the Soviet authorities is the practice of one's faith.

During this time of change and reform in the Soviet Union, there are systemic changes—the elimination of certain laws and regulations—which must be made by the Soviet authorities to ensure true religious liberty. I would like to take this opportunity to outline a number of recommended changes which I believe would indicate the Soviet Union's genuine respect for religious freedom.

The freedom to worship according to one's conscience and belief is a fundamental human right enshrined in such international agreements as the United Nations Charter, the Universal Declaration of Human Rights, the Helsinki Final Act, and the U.N. Declaration on Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. These international covenants, which the Soviets have signed and pledged to uphold, inextricably tie international peace and security to the protection of basic human rights. The specific reforms which I have listed below would bring Soviet state policy and practice toward religious communities and believers in line with international agreements on human rights and religious liberty.

In order to conform to the international agreements cited above, as well as in the interest of "glasnost" and "perestroika," I urge the Soviets to effect the following reforms:

First, release all prisoners of conscience who have been convicted because of their religious activities and beliefs. In other words—declare an amnesty. I am distressed that many individuals, such as Lithuanian Catholic priests Rev. Alfonsas Svarinskas and Sigitas Tamkevicius, Ukrainian Baptist Nikolai Boiko, and Russian Orthodox Deacon Vladimir Rusak are currently serving long terms in labor camps for the expression of their religious beliefs. Ironically, the activities for which they were sentenced would no longer be considered crimes under "perestroika" and "glasnost." We are particularly concerned about the individuals who have been confined to psychiatric hospitals because of their religious activities, such as Ukrainian Catholic Hanna Mikhailenko, Lutheran Gederts Melngailis and Russian Orthodox Vasili Shipilov.

Second, end harassment of religious activists who have been released from confinement. While I am pleased to note that some religious prisoners have been freed within the last year, I have seen substantial evidence of ongoing harassment on the part of government authorities of persons who continue to express their faith. This harassment has ranged from difficulties in finding employment and housing in a city of their choice to beating and forced relocation, as in the case of the Baptist Barats family.

Third, institute legal and constitutional changes that guarantee religious liberty. The Criminal Code of the U.S.S.R. contains articles that specifically restrict religious activity, the existence of which directly contradicts sections of various international human rights agreements. In particular, I am referring to articles 142 and 227, pertaining to the separation of the church from the state and the performance of religious ceremonies, respectively, of the Criminal Code of the RSFSR and the equivalents in the criminal codes of the other republics of the Soviet Union.

These articles should be repealed, as well as the March 18, 1966, decree of the RSFSR Supreme Soviet Presidium "on the application of article 142 of the RSFSR Criminal Code" and "on the administrative liability for the violation of the legislation on religious cults" and

the equivalent decrees adopted by the Supreme Soviet Presidia of the other union republics; the decree of the All-Russian Central Executive Committee and the Council of People's Commissars of the RSFSR of April 8, 1929, and its equivalents in other Soviet republics as amended by a decree of the RSFSR Supreme Soviet Presidium of June 12, 1975; and the equivalent laws "On Religious Associations" adopted in other Union republics.

Finally, I understand that secret or only partially published decrees and directives exist that delineate structure and policy for the Council of Religious Affairs of the U.S.S.R. Council of Ministers. It is our belief that such orders should be made public and subject to discussion with the participation of representatives of all religious groups.

Fourth, legalize religious groups that currently are forbidden to practice their faith openly, such as the Ukrainian Catholic and Orthodox Churches. The Ukrainian Orthodox and Catholic Churches, which, with the help of government authorities, were forcibly liquidated and incorporated into the Russian Orthodox Church, in the 1930's and 1940's respectively, should be given the opportunity to exist as legal entities within the Soviet system. True religious freedom requires that each individual be allowed to worship according to his or her own conscience and belief. Arguments that these groups are historically members of the Russian Orthodox Church are not only inaccurate, but also irrelevant if individuals consider themselves adherents of the Ukrainian Catholic or Ukrainian Orthodox faiths. Legalization should include the restoration of churches and all other confiscated property.

Fifth, abolish the requirement that all religious groups must officially register with the state and have all their activities approved by government authorities. Compulsory state registration constitutes government interference in the activities of religious communities that is prohibited by the U.N. Declaration Against All Forms of Religious Intolerance.

Sixth, allow religious instruction for both adults and children. Fundamental to the idea of religious liberty is the ability of religious communities to educate their members. Clergy should be allowed to provide religious instruction outside the public school.

Seventh, lift restrictions on the importation and the free dissemination of religious literature and objects. While a relatively large quantity of Bibles and religious instructional materials have now been permitted to enter the Soviet Union, these do not come close to filling the needs of many believers who speak many different languages in many different areas of the Soviet Union. Neither should there exist restrictions on the publication and dissemination of religious publications.

Eighth, end government restrictions on the education of clergy. Seminaries that have been closed should be reopened and allowed to function without government interference in admissions, faculty appointments or curriculum. Clergy should be allowed to maintain free and open contacts with their coreligionists around the world.

Ninth, allow religious groups to engage in private charitable activities. The ability to provide spiritual and material assistance to other human beings is a fundamental aspect of many religions. Though there has been some progress in this area, it is important that government officials do not place limitations on the types of private charitable activities in which religious groups may engage.

Mr. Speaker, we believe that one of the truest tests for Mr. Gorbachev's glasnost and perestroika will be seen during this year of the millennium celebration of Christianity's arrival in Kievan Rus', now part of the Soviet Union. As men and women of all faiths, and especially the Christians throughout the world join in the celebration, the focus will be on those who can only celebrate in a Soviet prison, a psychiatric hospital or labor camp. On one hand, changes in the criminal code as suggested would require a little time, the release of the Christians listed here could be expedited by the stroke of a pen. What have the Soviets and Gorbachev got to lose? And yet, they have much respect to gain from human rights activists in their own country, in this country and throughout the world.

For the RECORD, I include a copy of my resolution, House Concurrent Resolution 223.

H. CON. RES. 223

Whereas the Grand Prince of Kiev established Christianity as the official religion of Kievan-Rus' in 988 A.D. and invited priests of the Byzantine Church to instruct his people in the teachings of Christianity;

Whereas Christian churches have been instrumental in sustaining the faith of the believers and in developing the religious culture of the region for the past one thousand years;

Whereas the Christianization of Kievan-Rus' has made outstanding contributions to world literature, music, folk art, customs, and places of worship;

Whereas, although the Constitution of the Soviet Union guarantees religious freedom, Soviet leaders, over the past 70 years, have sought to dissolve many forms of religious witness in the Soviet Union and replace them with Marxist atheism;

Whereas the Soviet Union is signatory to the Helsinki Final Act of the Conference on Security and Cooperation in Europe and the Madrid Concluding Document and has an obligation to comply with the United Nations Universal Declaration of Human Rights;

Whereas the Soviet Union is committed under Principal VII of the Helsinki Final Act to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.";

Whereas in the Soviet Union it is illegal to formally teach religion to persons under 18 years of age;

Whereas openly distributing Bibles or other religious materials has been restricted in the Soviet Union and in some cases has been the basis for imprisonment and harassment;

Whereas thousands of churches have been closed and confiscated in the Soviet Union during the last seven decades, and the Soviets have severely restricted the number of theological seminaries; and

Whereas there are at present nearly 200 Christians who are known to be serving prison sentences, are in exile, or are confined in psychiatric institutions in the Soviet Union because of their religious beliefs, including Balys Gajauskas, Viktoras Petkus, Pastor Ivan Antonov, Pastor Nikolai Boiko, Semyon Skalich, Lev Lukyanenko, Father Vladimir Rusak, and Victor Walter: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that in 1988 in celebration of the millennium of the Christianization of Kievan-Rus'—

(1) the Soviet Union should comply with its obligations under the Helsinki Final Act of the Conference on Security and Cooperation in Europe, the Madrid Concluding Document, and the United Nations Universal Declaration of Human Rights and allow Christians to practice their faith without interference, persecution, or harassment;

(2) the Soviet Union should grant a general amnesty for all Christians who have been imprisoned because of their religious beliefs;

(3) the Soviet Union should allow religious believers of all ages to worship and practice their faith without restrictions in their homes and churches;

(4) the Soviet Union should permit unlimited publication, distribution, and importation of Bibles and other religious materials in all languages; and

(5) the Soviet Union should allow churches that are closed or used for secular purposes to reopen, allow new churches to be built when needed, and allow theological seminaries to open or expand in order to insure an adequate supply of priests and pastors for the parish churches.

Mr. STOKES. Mr. Speaker, as a member of the Congressional Human Rights Caucus I am pleased to participate in this special order on the persecution of Soviet Christians. We remain deeply concerned about the systematic violation of religious freedom in the Soviet Union.

The plight of Soviet Christians is especially grave. United States authorities and human rights organizations have documented evidence of over 250 known Soviet Christians imprisoned solely for their religious beliefs. In addition, Soviet authorities continue to interfere in the governance of religious organizations, to close down religious institutions and to discriminate against religious adherents in educational, employment and housing opportunities.

Mr. Speaker, we are concerned for those convicted of religious crimes under Soviet law. These individuals, along with political activists, are incarcerated in strict labor camps, prisons and psychiatric hospitals. These prisoners of conscience are subjected to inhumane conditions and agonizing persecution. They are often faced with death if they do not renounce their religious beliefs.

These practices must not continue. We cannot lessen our commitment to individual human rights. I would like to again commend the Human Rights Caucus for addressing this fundamental issue and pledge my continued support.

Mr. HALL of Ohio. Mr. Speaker, I rise to call attention to a pressing human rights issue which we often do not hear much about: the unjust persecution of Christians in the Soviet Union.

This year, 1988, is the millennium celebration of the establishment of the Orthodox Church in Russia. Yet, despite this long religious tradition, at least 170 people are in exile for crimes against the state dealing directly with religion. In the midst of recent focuses on

glasnost and freedom I would like to urge Congress to encourage Soviet Secretary General Gorbachev to apply his new openness to the Christians in prison.

In particular I would like to address the imprisonment of Tatyana Mikhailovna Velikanova, a 56-year-old mother of one and Orthodox Christian. In 1980, Soviet authorities sentenced her for anti-Soviet agitation and propaganda to 4 years of strict regime camp and 5 years of exile, with a release date of November 1, 1988.

With the renewed emphasis on human rights in the Soviet Union, I hope Mr. Gorbachev will apply his policies consistently and address the problem of Christians, like Mrs. Velikanova, who have been wrongly imprisoned and persecuted.

Soviet officials promised total freedom for all prisoners of faith and the construction of 12 new Catholic churches that were to open last September. However, these guarantees fell through.

As one who has visited the Soviet Union and met with those seeking greater freedom during this period of glasnost, I urge the Soviet Government to free those imprisoned for their faith. I again call for a general amnesty for all Soviet prisoners of conscience, especially Christians, during this year of the 1,000-year celebration for the Russian Orthodox Church.

Mr. KEMP. Mr. Speaker, First of all, let me thank my very good friends and colleagues, the gentlemen from Illinois and from California. Their unflagging dedication to the cause of human rights is a key factor in keeping this cause in the forefront of the minds of the American people and the U.S. Congress.

I would also like to commend Dr. Ernest Gordon of CREED, Christian Rescue Effort for the Emancipation of Dissidents, a keeper of the conscience of Americans concerned about Soviet Christians. My wife, Joanne, and I are founding members of CREED, and, while we wish Dr. Gordon well now that he has moved CREED's headquarters to Princeton, we miss having his wise presence nearby.

My friends, there was much speculation before Mr. Gorbachev arrived about what part of the United States Mikhail Gorbachev should see. Well, the rally for Soviet Jewry on Freedom Sunday in December was the America I wanted Mr. Gorbachev to see. This is the America which is not deceived by slick TV performances, by skilled propaganda, or by silken words. Bitter experience has taught us that when a tyrant comes wearing an olive branch—check what's in the other hand.

Mr. Gorbachev, your glasnost and your perestroika and your television interviews cannot drown out the cries of 400,000 refuseniks. We hear the anguish of each individual, Jew or Christian, who asks only for the right to worship God and live as a full human being.

We are not deceived by a few token gestures. We are glad but we are not deceived when a few prominent dissidents are set free. While Sharansky and Feltsman and Slepak and Nudel have been released in the full glow of Western TV cameras, the new Soviet emigration law makes it harder, not easier for 95 percent of those left behind.

The new emigration law allows only those with a relative abroad of the first degree—parents, children, or siblings—to apply for visas. We rallied on December 6 and we participate in this special order today to tell Mr. Gorbachev, to tell the Kremlin, and to tell the world that we are their relatives of the first degree, because we are their brothers and sisters.

Ours is a large family. It includes the mujahidin of Afghanistan, the workers of Poland, the fighters in Nicaragua, the refugees of Asia, and lovers of freedom around the world. Wherever people yearn for freedom, we have brothers and sisters. Maria Slepak has said, "if we close our eyes, they will cease to exist."

We will not close our eyes, Masha. But we should close our checkbooks. We should not be lending money to the Soviets with few or no questions asked. To exercise some control over United States bank lending to the Soviet Union, I have introduced a bill which gives the President discretionary authority to restrict loans to the Soviets if their record on human rights violations does not improve.

I have also adopted Vasili Gritsenko, a persecuted Soviet Christian. Vasili is a young family man with five young children. Vasili is typical of the Christian dissidents in the Soviet Union. Like his fellow Christians in the Soviet Union, Vasili loves his country and does not wish to leave, but only to be able to practice his Baptist faith without fear of reprisal.

Vasili has been imprisoned for nearly 3 years for allegedly organizing actions which disrupt public order; in the Soviet Union, prayer meetings fall into this category. Vasili has since been rearrested for similar activities while in prison, and has been transferred to another prison.

Vasili's fate is uncertain, as is that of his family. But those of us in the United States, in the free world, have helped by keeping our eyes and our hearts open and our hands extended. Vasili's doom would be sealed if we did not maintain our constant gaze upon the Soviet's treatment of their peaceable religious dissidents.

The torch of freedom lights the world, even into the darkest corners of the gulag. However, without our constant care and attention that light will go out. My commitment is firm that I shall always do everything within my power to keep that light shining, always a beacon of hope to those who would otherwise be in darkness.

Mr. DWYER of New Jersey. Mr. Speaker, I would like to thank Congressmen PORTER, BOULTER, and LANTOS for reserving time this evening to allow Members of the House to again raise the issue of religious persecution in the Soviet Union.

As a member of the Congressional Human Rights Caucus, I have been associated with many efforts on behalf of Soviet citizens who are suffering only because they have religious beliefs which the Soviets feel are incompatible with that Government's way of life.

United States authorities and nongovernmental organizations have documented evidence of over 250 known Soviet Christians imprisoned solely for their religious beliefs. One such prisoner of religious persecution is Ivan Antonov.

Mr. Antonov is the 68-year-old pastor of Kirovograd Church in the Ukraine and is a member of the ECB Council of Churches. Mr. Antonov was arrested in May 1982 and charged with infringement of the person and rights of citizens under the guise of performing religious rituals. He was sentenced to 5 years of strict regime camp and 5 years' exile plus the confiscation of property. His release date is May 14, 1992. Mr. Antonov is married and the father of two daughters. With the confiscation of the property, his family is now destitute.

The Russian Government continues to try and eradicate religious activity by closing religious institutions, banning religious education, restricting the availability of religious material and imprisoning those, like Ivan Antonov, who cannot be suppressed. Still, Christianity lives in Russia.

We must continue to keep the plight of Soviet Christians before the world's eyes. And we must continue to press the Soviet leadership to release those unjustly imprisoned and allow them to lead their lives without fear of further harassment simply because they believe in God.

Mr. WEBER. Mr. Speaker, I am a member of the Soviet Christian Adoption Program which in a congressional bipartisan effort to work on behalf of persecuted Christians in the Soviet Union. The plight of religious believers in this country continues to be serious, even as we hear the media report about the promised openness under the rule of Soviet leader, Mikhail Gorbachev. If Mr. Gorbachev is serious about opening up Soviet society, then he will have to improve the treatment of the religious community.

As a member of the Adoption Program, I am a sponsor of Ivan Fyodorovich Kovalenko, a Ukrainian who was arrested for the fourth time in 1982 and charged under the Soviet criminal code for "infringing persons and rights of citizens under the guise of performing religious rituals, and disrupting the public order." He was sentenced to 5 years in prison and 5 years in exile.

Mr. Kovalenko was not endangering Soviet society but practicing his religious beliefs. His years in imprisonment are an ugly example of the reality of Soviet society. However, he is a courageous example for those facing repression and internment for their faith.

It is vital that we in the free world not forget that elsewhere people are suffering and dying for their spiritual rights. The upcoming 1,000th anniversary of Christianity in Russia offers us the opportunity to speak out for the innocent victims of religious persecution that are unable to speak for themselves. I urge my colleagues to remember Mr. Kovalenko and others who are persecuted for practicing their religious beliefs.

THE DEPOSITORY INSTITUTIONS REGULATORY MODERNIZATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 60 minutes.

Mr. KLECZKA. Mr. Speaker, I intend to introduce legislation tomorrow which would merge the Federal deposit insurance funds

and consolidate the principal Federal financial regulators into a single Federal agency.

A Congress which considers the sweeping changes in our financial system now under discussion must also be ready to mandate an equally comprehensive overhaul of our creaky Federal financial regulatory system. As the financial marketplace changes, so should the method by which we regulate marketplace participants.

In a special order yesterday, I described titles I and II of the bill. Today I will describe title III, which would consolidate the Federal financial regulators into one agency.

This overdue action, a long-sought goal of banking reformers, would enhance the ability of regulators to deal with failed or failing institutions. In addition, it would promote more efficient operation of the Federal financial regulatory apparatus, bring about uniform treatment of similar financial institutions and increase the accountability of financial regulators to the public and to the Congress. Federal financial regulator consolidation would follow the merger of the Federal deposit insurance funds provided for by titles I and II of the Depository Institutions Regulatory Modernization Act.

Mr. Speaker, the current system of Federal financial regulation was perhaps best described by Federal Reserve Board Chairman Arthur Burns in 1974 as "a jurisdictional tangle that boggles the mind." He accurately observed to the American Bankers Association in that year that the structure of the Federal regulatory apparatus was "the most serious obstacle to improving the regulation and supervision of banking."

In 1975, James L. Pierce, the Director of the House Banking Committee's groundbreaking study, "Financial Institutions and the Nation's Economy [FINE]," had a dire warning to the Financial Institutions Subcommittee about what the practical results of the jurisdictional tangle might mean. Speaking about the blurring of lines among banks and other financial institutions, he said:

As these institutions become more like banks, we run the real danger that regulation will become even more diffuse and fragmented. Unless the regulatory agencies are combined, we could have a situation in which institutions that provide roughly the same services are regulated by any one of five federal agencies. This situation would be impossible.

The indistinct lines of 1975 are in many instances nearly blurred to point of nonexistence today. As predicted, the regulatory situation is becoming increasingly impossible.

Consider the increasingly familiar circumstance of a bank merger. Who regulates?

If the surviving bank is a national bank, the Comptroller of the Currency has jurisdiction. If the surviving bank is an insured nonmember of the Federal Reserve System, the FDIC is in charge.

If the surviving bank is a State member of the Federal Reserve System, the Federal Reserve has responsibility. The players in the regulatory game know the rules and take advantage of that knowledge. The public, however, is often the loser as "competition in laxity" develops among regulators who begin to view the financial institutions they regulate as constituents to be served.

If we did not have the current hodge-podge of Federal financial regulation, it is difficult to imagine a Congress of rational men and women devising such a bewildering system. We now have a system, unique within the Federal Government, in which the object of regulation can choose its own regulator. As a 1984 Brookings Institution staff study concluded:

Federal regulation of depository institutions should be consolidated and centralized, and the more so the better.

THE CURRENT SYSTEM

At this point, a brief description of our current regulatory system might be worthwhile.

Banks, thrifts, and credit unions can be chartered at either the Federal or State level, a circumstance which has brought about the term "dual regulation." For certain institutions, this provides a choice among several regulators.

Commercial banks have several options. National banks are chartered by the Comptroller of the Currency and subject to regulation by that office. As a national bank, the institution must be a member of the Federal Reserve System and be subject to regulation by the Board of Governors of Federal Reserve Board. To be a member of the Federal Reserve System, the bank must be insured by the FDIC and, therefore, be subject to regulation by that agency.

A State chartered bank has other options. It can decide to be a member of the Federal Reserve System and be regulated by the Federal Reserve Board of Governors. Or it may choose to be regulated by its primary State regulator while enjoying the benefits of Federal deposit insurance. In this instance, the State-chartered, FDIC-insured institution would be subject to FDIC regulation.

Federally chartered thrifts, which include savings banks and savings and loan associations, are chartered and subject to regulation by the Federal Home Loan Bank Board. Federally chartered thrifts must carry FSLIC deposit insurance and be members of the Federal Home Loan Bank System. State chartered thrifts, on the other hand, may be subject to primary regulation only by the State chartering authority but may, if they so decide, become members of the Federal Home Loan Bank System and the FSLIC. At this point, they become subject to regulation by the Federal Home Loan Bank Board and the FSLIC.

Federally chartered credit unions are regulated by the National Credit Union Administration [NCUA] and are required to be insured by the National Credit Union Share Insurance Fund [NCUSIF]. A State chartered credit union which opts for the NCUSIF becomes subject to Federal regulation.

The commercial bank examination process reflects the vagaries of discrete regulation. The Federal Reserve does not generally examine national banks even though it requires them to keep non-interest-bearing reserves. The FDIC requires State member banks to pay fees to it even though primary examinations of these banks are the duty of the Federal Reserve.

Writer Curtis Seltzer described how this curious system of regulation can contribute to a major bank disaster. In the September 1983 issue of Washington Monthly, he wrote:

Witness the financial disaster set in motion by Penn Square. The Dallas regional Office of Comptroller (of the Currency) knew that the bank was in trouble, and that it was selling its bad loans to other banks. But the Comptroller never thought of making a few calls to his regulatory cousins to contain the damage. The Federal Reserve, for example, may have warned off banks like Chase Manhattan and Continental Illinois, who were getting knee-deep in Penn Square's bad paper. But the Office of the Comptroller never told about its problems upstream. The Comptroller also neglected to call the Federal Deposit Insurance Corporation, which usually tries to merger a floundering bank with a healthier one to stave off a disaster. No such luck . . .

Mr. Speaker, this ramshackle system of regulation is ill-prepared to protect the public interest in a financial system poised to enter a 21st-century marketplace.

Mr. J.L. Robertson, a former member of the Board of Governors of the Federal Reserve System, had some astute observations about the financial regulatory system when he observed:

It is reflexive and not creative. It responds; it does not lead. The true strength of a regulatory system is not the speed with which it responds to financial catastrophes, but the skill and foresight by which it prevents them . . . Our present arrangement is a happenstance and not a system. In origin, function and effect, it is an amalgam of coincidence and inadvertence.

EFFICIENT REGULATION

This Congress can modernize financial regulation so that the Federal Government spends less time fielding mopup crews in financial disasters and acts instead with the skill and foresight envisioned by Mr. Robertson.

A single, well-staffed financial regulatory agency—a superagency—is essential if the Federal Government is to move from a reactive to an active participant in the financial marketplace. If we are to make our banks more efficient and powerful, as some suggest, so should we act to ensure that our regulators are equally efficient and powerful.

As the FINE study recommended more than a decade ago, my legislation would merge the regulatory and supervisory functions of five agencies—the Comptroller of the Currency, the FDIC, the Federal Home Loan Bank Board, the Federal Reserve, and the National Credit Union Administration—into one agency. Federal Reserve duties would be limited to its principal mission, the conduct of monetary policy. The Bank Board would continue to administer the system of Federal Home Loan Banks.

A consolidated Federal financial regulator is overdue. With such a structure, the Federal Home Loan Bank Board, for example, would never be asked to act as a client of the savings and loan industry as it attempts to regulate that industry.

For regulators, private interest would be less likely to crowd out public interest in a single agency which regulates diverse types of financial institutions.

A unified regulatory agency would also provide more efficient operations. Legal and research staffs could be reduced, regional office and headquarter staffs consolidated and train-

ing systems coordinated. The reporting requirements for commercial banks could be streamlined, which should mean a reduction in costs for administering, processing and publishing such reports. Instead of allocating senior staff time simply to find out what another financial regulatory agency is doing, a consolidated agency could devote resources to more productive regulatory concerns.

A single regulatory agency would enhance bank holding company regulation. The Federal Reserve is now charged with regulating bank holding companies, but often is precluded from directly regulating individual banks within the holding company. This schizophrenic relationship may be worsened if Congress broadens the powers of banks to engage in relatively risky securities activities through the bank holding company structure. If new powers are to be granted, Federal financial regulation of component banks and the holding company itself should be centered in one agency. No longer would a bank holding company seeking expanded powers face delays as it seeks approval first from the agency supervising the bank subsidiary, then from the Federal Reserve.

PROBLEM INSTITUTIONS

Consolidation of Federal financial regulation will make it easier for the Federal Government to deal with problem institutions early on. While each institution has a primary regulator, a failing commercial bank can, in some instances, draw the attention of the three Federal bank regulators. When three agencies with inevitably differing regulatory goals become involved in a case, the process just as inevitably slows. The 1984 Brookings Institution staff report noted that unnecessary problems arise when two or more agencies share safety and soundness responsibility for a particular institution, with regulatory gaps occurring when one agency asserts control. Such interagency conflict can lead to extra costs and delays for both the agencies and financial institutions involved. A unified agency would eliminate the need for time-consuming coordinating activities.

A unified Federal financial regulator would provide a single focal point for public and congressional inquiries in matters of bank regulation and supervision. The alphabet soup of regulatory names roll easily off the tongues of those who know how to use the system but oftentimes perplex the average depositor. A consolidated agency would lessen the confusion for most consumers. As the National Consumers League has testified to the Financial Institutions Subcommittee:

The present complicated regulatory structure is particularly frustrating to consumer groups, lacking in organization, sophistication and financial endowment, who wish to understand or influence some aspect of financial policy . . . The consolidation of the agencies could enable consumer representatives to focus on one regulatory policy on any given issue.

Finally, a consolidated Federal financial regulator would make it easier to ensure uniform treatment of similar financial institutions. Since I first suggested a merger of the Federal deposit insurance funds late in the 99th Congress, I have had numerous discussions with lenders on the subject. Quite frankly, some bankers are less than enthusiastic about the merger idea. I have been impressed, however, at the number of bankers who argue that they would be willing to accept a merger of the funds if all financial institutions were regulated uniformly. A chronic complaint is that standards of safety and soundness vary sharply from one agency to another. A consolidated Federal financial regulator would limit laxity encouraged by disparate financial regulators.

I urge my colleagues to support this legislation.

At this point I include in the RECORD a chart which outlines FDIC insurance fund assets available for assistance and articles which describe the views of former Fed Chairman Paul Volcker on merging insurance funds.

FDIC INSURANCE FUND ASSETS AVAILABLE TO FINANCE ASSISTANCE TO TROUBLED OR FAILED INSTITUTIONS

[Dollars in billions]

Year end	FDIC fund assets		FDIC cash and U.S. Treasury securities as percentage of total bank liabilities
	Cash and U.S. Treasury securities [1]	Other FDIC assets	
1980	$9.4	$1.1	0.50
1981	10.1	1.2	.53
1982	13.3	2.0	.60
1983	13.8	2.9	.59
1984	14.4	6.9	.58
1985	16.5	6.3	.60
1986	17.5	5.8	.78
1987 (9/30) [2]	17.3	5.5	.76

[1] U.S. Treasury securities are shown at market value. Because of high interest rates in 1980 and 1981, the book value of FDIC's portfolio was $1,048 million higher than the market value on December 31, 1980, and $1,095 million higher on December 31, 1981. If these investments had not declined from book value, the ratio of cash and securities to total bank liabilities would have been 0.56 percent and 0.58 percent for those years. In subsequent years the respective market and book values of FDIC investments have not been so significantly different.

[2] Unaudited statement.

[From the New York Times, Mar. 28, 1985]

VOLCKER FOR BANK INSURANCE MERGER

(By Nathaniel C. Nash)

WASHINGTON, March 27—Paul A. Volcker, chairman of the Federal Reserve Board, told a House panel today that he would favor merging the two government agencies that insure deposits at the nation's banks and thrift institutions.

"I would lean in that direction," Mr. Volcker said when asked if he would support the consolidation of the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation.

Mr. Volcker's remarks came at the second day of hearings held by the House Government Operations Committee's Subcommittee on Commerce, Consumer and Monetary Affairs on proposals to restructure the banking regulatory agencies. The proposals have been put forward by the Task Group on Regulation of Financial Services, headed by Vice President Bush.

It is the first time that the Fed chairman had publicly expressed his views on combining the F.D.I.C. and the F.S.L.I.C., and his remarks came at a time when banking and thrift unit regulators are concerned about the financial strength of the thrift insurance fund.

The F.S.L.I.C. lost money for the first time last year and its usable assets have fallen to about $4.7 billion, according to estimates from the Federal Home Loan Bank Board, the agency that supervises the fund and oversees thrift units.

Moreover, bank and thrift unit regulators have predicted that a growing number of thrift institutions will fall this year, placing greater strain on the fund.

EARLIER TESTIMONY

Mr. Volcker's preference for merging the two agencies echoed the positions of both the Comptroller of the Currency, C. Todd Conover, and the F.D.I.C. chairman, William M. Isaac, in earlier testimony.

"As the lines blur between banks and thrifts, they should have one regulator," Mr. Conover said today.

"We would recommend that the F.D.I.C. and the F.S.L.I.C. be merged," Mr. Isaac said on Tuesday.

However, Edwin J. Gray, chairman of the bank board, rejected in testimony Tuesday the notion of merging the two funds. "I strongly oppose the idea," he said. "The ability of the bank board to deal with a problem directly and not have to negotiate with another agency is vital.

BLUEPRINT FOR REFORM

"I see the S.&L.'s and savings banks as they are now exercising essentially bank-like functions." Mr. Volcker said today, "I think they've reached that stage where they could be under one insurance fund."

The Fed chairman said that he generally supported the recommendations of the Bush group. The final proposal, called a Blueprint for Reform, would transform the Comptroller's office into a new Federal Banking Agency to regulate most national bank holding companies plus the national banks it now monitors. The new agency would also be able to decide which new activities banks could enter, now the purview of the Fed.

While the Fed would give up some regulatory authority over bank holding companies whose primary subsidiary is a national bank. It would continue to oversee the nation's large international banks, plus, regulate all state-chartered banks and their holding companies.

The F.D.I.C. would give up all regulation of state-chartered banks and concentrate on examining and monitoring troubled banks that pose a threat to the insurance fund.

[From the Bank Letter, Dec. 22, 1986]

VOLCKER TALKS OF FDIC-FSLIC MERGER

Federal Reserve Chairman, Paul Volcker is now beginning to say privately that merging the Federal Savings and Loan Insurance Corp. into the Federal Deposit Insurance Corp. may be the only way to save the ailing thrift fund. Indeed, in recent days he has said the proposed FSLIC recapitalization may not ward off such a merger and instead may be necessary only as a short-term bridge to tide the fund over until a merger can be completed. These comments came in meetings with stunned industry representatives. A Fed spokesman declined to comment on the private conversations of the chairman.

Until now, Volcker has joined with the Reagan Administration and the heads of the two congressional Banking Committees in trying to solve the thrift crisis through the recapitalization plan. Several years ago in abstract testimony on the future of banking regulations, Volcker did say he would prefer to have the funds merged. But that testimony was before the thrift industry's massive problems lowered the fund to just over $1 billion.

Now, however, Volcker is predicting merging the funds may well be forced onto the

agenda of Congress. Incoming Senate Banking Committees Chairman William Proxmire (D-Wisc.) has said nearly the same thing (BL. 12/15). And indeed, Senate aides confirm that Proxmire and Volcker met on Dec. 8 on Capitol Hill, and the day after that meeting Proxmire said publicly for the first time that a merger of FDIC and FSLIC ought to be considered—notwithstanding the conventional wisdom that politically this is impossible.

The bankers who have had confidential briefings from Volcker do not want to be identified, but one banking group heard him predict generally in October that a merger might come up in the new Congress. This month over industry representatives were surprised when in a 10 minute audience they were granted with Volcker, he suddenly launched into an unexpected discussion of how a recapitalization could be the spring-board to merging the funds.

RECAP DOOMED?

What's causing not only Volcker and Proxmire but much of the rest of the Washington banking establishment to talk merger now, sources say, is a sense that recapitalization itself perhaps is already too little and too late. Even when first brought forward by Treasury early this year, the plan to borrow $15 billion in the market was sharply criticized as too small. Since then the problem has grown bigger. At some point, especially if Congress is tardy in passing the bill as seems quite possible, the problem could overwhelm this particular solution. The original game plan called for FSLIC to combine its regular income with $15 billion of borrowing to fund in a massive liquidation effort that could cost $25 million.

But says a source close to this issue, "Treasury is aware that there is a limit to how many bonds they can sell or the market absorb. If it takes $40 billion, not $25 billion—and the $25 billion estimate is a squishy number—then merging the funds may begin to look inevitable."

The fact that the U.S. League of Savings Institutions and the National Council of Savings Institutions both are increasingly hostile to the borrowing plan makes some suspect that all the talk of merger is a bluff to frighten them with something they live even less. But other sources say the logic of merger is written now into the arithmetic of the S&L crisis. They say the League, by opposing recapitalization, will not have political clout to block merger legislation. Said a source close to American Bankers Association, "I think ABA would be extremely upset. But it would have no choice but to buy [a merger], largely because the League would not be a potent ally anymore."

[From the Los Angeles (CA) Times, Jan. 6, 1987]

VOLCKER PLANS TO PUSH MERGER OF FSLIC, FDIC

(By James S. Granell)

Federal Reserve Board Chairman Paul S. Volcker has told banking and savings institution regulators that he plans to take a more active role in supporting a proposed merger of the government's two big deposit insurance agencies—the Federal Savings and Loan Insurance Corp, and the much healthier Federal Deposit Insurance Corp.

Volcker's views, disclosed in a letter written by George D. Gould, under secretary of the Treasury, became known as the Reagan Administration again proposed to Congress that the FSLIC be recapitalized with up to $15 billion from industry contributions and bond sales.

The House and the Senate each passed its own version of a recapitalization bill last fall, but an effort to reconcile the differences failed in the waning hours of the 99th Congress. The same bill is to be reintroduced today, Gould said Monday.

Volcker supported the recapitalization bill last fall and is likely to do so again—at least as a short-term solution before an eventual merger of the two funds, said Joseph Coyne, a spokesman for Volcker. Coyne acknowledged that Volcker now feels "more strongly" about the need to merge the two funds than he has previously.

The FDIC and the FSLIC impose on banks and savings and loan firms, respectively, a series of regulations, examinations and, if needed, orders as conditions for providing federal insurance of $100,000 on every depositor's account.

A merger of the two funds has been an on-again-off-again controversy in the industry, partly because new laws have blurred the distinction between banks and S&Ls and partly because numerous failures in recent years have cut the FSLIC's reserves to about $1 billion.

Many government officials favor a merger to simplify regulation and administration of the nation's banking system. The savings and loan industry has resisted the effort on grounds that the financing of homes is critical to the American economy and deserves its own system of regulation and support.

Volcker was reported Monday to have voiced his support in mid-December at one of the occasional and informal breakfast meetings held by the nation's top four banking and S&L regulators. Gould and another Treasury official also usually attend. Gould was not at the December meeting, he said, but was briefed by his Treasury colleague.

Besides Volcker, the regulators attending were Federal Home Loan Bank Board Chairman Edwin J. Gray Jr., Comptroller of the Currency Robert L. Clarke and FDIC Chairman L. William Seidman.

Gould said he wrote the letter to Volcker to emphasize his own view that the recapitalization bill ought to be the top priority and that a merger of the funds should come only if the bill fails. He said passage of a recapitalization bill would be likely to kill talk of a merger.

Volcker has testified before various congressional committees, in the past that a merger is worth considering, Coyne said, and he is likely to be questioned about it again during hearings to be held later this month by the Senate Banking, Housing and Urban Affairs Committee.

Sen. William Proxmire (D-Wis.), the committee's new chairman, also has "floated" ideas about merging the funds, a congressional staff worker said. Congressional leaders have said the recapitalization bill failed last fall partly because the S&L industry did not fully support the plan. Industry leaders have been divided over regulatory issues and over their increasing assessments to pay for FSLIC's operation of failed S&Ls.

Some legislators also were wary of entrusting up to $15 billion to the FSLIC and its parent agency, the Federal Home Loan Bank Board, whose chairman, Gray, is under fire from some industry members for his strict and allegedly heavy-handed procedures and for accepting reimbursement for some questionable expenses.

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THE PLIGHT OF SOVIET CHRISTIANS

The SPEAKER pro tempore (Mr. HUBBARD). Under a previous order of the House, the gentleman from Washington [Mr. MILLER] is recognized for 20 minutes.

Mr. MILLER of Washington. Mr. Speaker, today there have been entered into the RECORD statements by several of my colleagues on the status and plight of Soviet Christians.

I would like to at this time add to those statements put into the RECORD by my good colleagues, Congressman PORTER, Congressman LANTOS and others, and recount for my colleagues a very special personal experience that I had on a recent trip to Moscow with two Soviet Christians.

Their names were Pastor Serge Lamekin and Alyosha Zavrujnov.

My wife, Congressman BEN GILMAN, and I just a few weeks ago met with these two individuals and others in a Moscow apartment. The pastor, Serge Lamekin, had been a priest in the Russian Orthodox Church but he had been defrocked, thrown out of the church. He had been thrown out of the church because he was not content to just come to the weekly services and perform a priest's duties at the weekly services. He insisted on going out and trying to spread the faith outside the church, organizing study groups, distributing Christian literature.

That is crossing a very sharp dividing line in the Soviet Union. As we found out, you were all right if you go to church and synagogue, but if you try to do something outside the church or synagogue such as organize a Sunday school or study group or distribute literature, then you get into trouble.

Pastor Lamekin got into trouble. He has been arrested. He has been expelled from the Orthodox Church.

The second gentleman I mentioned is Alyosha Zavrujnov. Alyosha is a young man who was arrested just this past year—we are not talking 10 or 20 years ago—but the year 1987, arrested in the Soviet Union on the charge of being a religious fanatic.

Alyosha is also a Christian. He was arrested because he was involved in distributing Christian literature and in organizing Christian study groups.

I asked Alyosha what happened to him after he was arrested on this charge of being a religious fanatic. He told me that he had been taken to a psychiatric hospital, that is right, to a psychiatric hospital. And at that psychiatric hospital he was injected with drugs.

I suppose that effort was made to overcome his resistance, to change his feelings.

He said that it reminded him of what Goebbles had done in Nazi Germany.

Well, Alyosha is out of the psychiatric hospital. He was released. He was able to talk with us in Moscow.

He still is a Christian and a believer.

We came back from Moscow and last week I phoned Alyosha to find out how he was doing. He told me that the day after our meeting in Moscow at the apartment of his friends, the day after that meeting upon returning to his own apartment he had been accosted by several men who he assumed were KGB agents and they beat him. And they said, "So you want to meet with a Congressman."

Such is the price today of being a religious believer in the Soviet Union.

Now while we were there we talked with many officials and the officials talked of human rights and they talked of religious freedom and they talked of changing Soviet attitudes toward the church. These officials that we talked to may or may not mean what they say, but all I can tell you, my colleagues, is that regardless of what they said or are saying, that today down at the grassroots, down with the everyday people, in the Soviet Union being a religious believer is very, very hard and very, very tough.

I know that my colleagues join me in wishing the best to Pastor Lamekin and Alyosha. The two of them who so much want to exercise their religious rights, who so much want to be practicing Christians in the Soviet Union, are now so discouraged that they want to emigrate.

I know my colleagues join me in hoping that they will get their wish, hoping that they will remain personally safe, that they will not suffer any more physical or other harassment and in hoping that they and their brethren, Christians and Jews and other religious believers will some day be able to enjoy full religious freedom in the Soviet Union.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEWIS of Florida (at the request of Mr. MICHEL) for today on account of official business.

Mr. BILIRAKIS (at the request of Mr. MICHEL) for today on account of official business.

Mr. FAZIO (at the request of Mr. FOLEY) for today on account of an illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COBLE) to revise and extend their remarks and include extraneous material:)

Mr. MORRISON of Washington, for 5 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. GILMAN, for 60 minutes, on February 24.

Mrs. BENTLEY, for 60 minutes, on February 23, 24, 25, and 60 minutes on March 1, 3, 9, and 10.

Mr. RITTER, for 5 minutes, today.

(The following Members (at the request of Mr. VISCLOSKY) to revise and extend their remarks and include extraneous material:)

Mr. HUBBARD, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. OWENS of New York, for 5 minutes, for today and February 18.

Mr. PEASE, for 5 minutes, today.

Mr. BRUCE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MILLER of Washington, for 20 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. COBLE) and to include extraneous matter:)

Mr. CLINGER.
Mr. BROOMFIELD in two instances.
Mr. MICHEL in two instances.
Miss SCHNEIDER in two instances.
Mr. BADHAM.
Mr. MILLER of Washington.
Mr. DONALD E. LUKENS.
Mr. DANNEMEYER.
Mr. GEKAS in three instances.
Mr. LOWERY of California.
Mr. BLILEY.
Mr. EMERSON.
Mr. GILMAN.

(The following Members (at the request of Mr. VISCLOSKY) and to include extraneous matter:)

Mr. DIXON.
Mr. MONTGOMERY.
Mr. MFUME.
Mr. CROCKETT.
Mr. LEHMAN of Florida.
Mr. OBEY.
Mr. FASCELL.
Mr. FRANK.
Mr. RAY.
Mr. KLECZKA.
Mr. DWYER of New Jersey.
Mr. SCHUMER.
Mr. GUARINI.
Mr. STARK in three instances.
Mr. JONES of North Carolina.
Mr. MATSUI.
Mr. BIAGGI in two instances.
Mr. MILLER of California.
Mr. TALLON.
Mr. KOSTMAYER.
Mr. RICHARDSON.
Mr. BOUCHER.
Mr. FLORIO in two instances.
Mr. MCMILLEN of Maryland.
Mr. APPLEGATE.
Mr. MOAKLEY.
Mr. WOLPE.
Mr. FAUNTROY.
Mr. MAZZOLI.
Mrs. COLLINS.
Mr. ECKART.
Mr. BRUCE.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1889. An act to amend the Geothermal Steam Act of 1970 to provide for lease extensions, and for other purposes; to the Committee on Interior and Insular Affairs.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 122. Joint resolution to designate the week beginning October 16, 1988, as "Gaucher's Disease Awareness Week".

ADJOURNMENT

Mr. MILLER of Washington. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 24 minutes p.m.), the House adjourned until tomorrow, Thursday, February 18, 1988, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2898. A letter from the Under Secretary of Defense (Acquisition), transmitting the annual report on Chemical Warfare—Biological Defense Research Program obligations, October 1, 1986 through September 30, 1987, pursuant to 50 U.S.C. 1511; to the Committee on Armed Services.

2899. A letter from the Deputy Assistant Secretary of Defense, transmitting notification of the Defense Logistics Agency's decision to exercise the provision for exclusion of the clause concerning examination of records by the Comptroller General from a proposed contract with the Government of Egypt/National Service Project Organization for fuel and related services in support of U.S. military exercises in Southwest Asia, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

2900. A letter from the Chairman, Council of the District of Columbia, transmitting a

copy of D.C. Act 7-143, "Fire Alarm Systems Regulations Amendment Act of 1987" and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2901. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-142, "Neighborhood Municipal Off-Street Parking Facilities Amendment Act of 1987" and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2902. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-141, "Commercial Bicycle Operators Licensing Act of 1987" and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2903. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-144, "District of Columbia Smoking Restriction Act of 1979 Amendment Act of 1987" and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2904. A letter from the Assistant Secretary for Educational Research and Improvement, Department of Education, transmitting the 12th annual report of the Advisory Council on Education Statistics, pursuant to 20 U.S.C. 1221e-1(d)(1); to the Committee on Education and Labor.

2905. A letter from the Chairman, National Advisory and Coordinating Council on Bilingual Education, Department of Education, transmitting the 11th annual report of the Council on the condition of bilingual education in the National and on the administration and operation of the Bilingual Education Act, pursuant to 20 U.S.C. 3262(c); to the Committee on Education and Labor.

2906. A letter from the Chairman, National Advisory Council on Women's Educational Programs, Department of Education, transmitting the Council's 12th annual report, 1987, pursuant to 20 U.S.C. 3346(c)(i) and (4); to the Committee on Education and Labor.

2907. A letter from the Executive Director, Intergovernmental Advisory Council on Education, transmitting the fiscal year 1986 annual report of the Council, pursuant to 20 U.S.C. 3423(b)(1)(D); to the Committee on Education and Labor.

2908. A letter from the Chairman, National Council on Educational Research, transmitting the Council's fiscal year 1986 report, pursuant to 20 U.S.C. 1221e(c)(3); to the Committee on Education and Labor.

2909. A letter from the Chairman, National Council on Vocational Education, transmitting the Council's 1986 annual report, pursuant to 20 U.S.C. 2431(g); to the Committee on Education and Labor.

2910. A letter from the Secretary of Education, transmitting a copy of final regulations—Procedures for the Robert C. Byrd Honors Scholarship Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2911. A letter from the Secretary of Education, transmitting copies of the fiscal year 1986 reports of the Department's advisory committees, pursuant to 20 U.S.C. 1233b(a)(2); to the Committee on Education and Labor.

2912. A letter from the Secretary of Education, transmitting the annual program site reviews for fiscal year 1985-86 under part A of the Indian Education Act, pursuant to 20 U.S.C. 241aa nt.; to the Committee on Education and Labor.

2913. A letter from the Secretary of Health and Human Services, transmitting the annual report for fiscal year 1987 of the Administration on Aging, pursuant to 42 U.S.C. 3018; to the Committee on Education and Labor.

2914. A letter from the Assistant Vice President for Government and Public Affairs, National Railroad Passenger Corporation, transmitting the Corporation's annual legislative report on rail passenger service for fiscal year 1987, pursuant to 45 U.S.C. 644(2)(C); to the Committee on Energy and Commerce.

2915. A letter from the Assistant Secretary for Administration, Department of Transportation, transmitting notification of the proposed alteration of several Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2916. A letter from the Chairman, National Endowment for the Humanities, transmitting the 1987 report of its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2917. A letter from the Secretary of Commerce, transmitting a report of actions taken to increase competition for contracts during fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2918. A letter from the Acting Assistant Secretary of Land and Minerals Management Service, Department of the Interior, transmitting notification of leasing systems for the central Gulf of Mexico, Sale 113, scheduled to be held in March 1988, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Interior and Insular Affairs.

2919. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2920. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2921. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2922. A letter from the Secretary of the Interior, transmitting a report on the status of the revenues from and the cost of constructing, operating and maintaining each lower basin unit of the Colorado River Basin project for the year ended September 30, 1968, pursuant to 43 U.S.C. 1544; to the Committee on Interior and Insular Affairs.

2923. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the fourth quarter report on waivers granted from certain admissibility requirements for refugees for fiscal year 1987, pursuant to 8 U.S.C. 1157(c)(3); to the Committee on the Judiciary.

2924. A letter from the Clerk, District of Columbia Circuit, U.S. Court of Appeals, transmitting a copy of the notification by the Acting Attorney General, pursuant to 28 U.S.C. sec. 592(b)(i), regarding the preliminary investigation concerning former Assistant Attorney General Douglas H. Ginsburg, and certain related materials, released by the Division for the Appointment of Special Counsels, U.S. Court of Appeals; to the Committee on the Judiciary.

2925. A letter from the Acting Secretary, Department of Agriculture, transmitting the second quarterly commodity and country allocation table showing current commodity programming plans for food assistance under title II of Public Law 480 for fiscal year 1988, pursuant to 7 U.S.C. 1736b(a); jointly, to the Committees on Agriculture and Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUGHES (for himself, Mr. HOWARD, and Mr. SAXTON):

H.R. 3949. A bill to provide for the establishment of the Coastal Heritage Trail in the State of New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CONYERS (for himself, Mr. FISH, Mr. HORTON, Mr. COELHO, Mr. UDALL, and Mr. KENNEDY):

H.R. 3950. A bill to establish national standards for voter registration for elections for Federal office, and for other purposes; jointly, to the Committees on House Administration and the Judiciary.

By Mr. BOUCHER (for himself, Mr. WATKINS, Mr. BRYANT, Mr. FASCELL, Mr. SMITH of Florida, Mr. SISISKY, Mr. NEAL, Mr. TAUZIN, Mr. BARNARD, Mr. MACKAY, Mr. FIELDS, Mr. LELAND, Mr. DOWDY of Mississippi, Mr. HOPKINS, and Mr. SHAW):

H.R. 3951. A bill granting the consent of Congress to the Southern States Energy Compact, and for related purposes; to the Committee on Energy and Commerce.

By Mr. CAMPBELL:

H.R. 3952. A bill to increase the amount authorized to be appropriated for construction of the closed basin division of the San Luis Valley project in the State of Colorado; to the Committee on Interior and Insular Affairs.

By Mr. DONNELLY (for himself, Mr. ATKINS, and Mr. FRANK):

H.R. 3953. A bill to amend title XVI of the Social Security Act to provide that the existing requirement for deeming a parent's income and resources to his or her children under age 18 shall not apply in the case of certain severely disabled children, and for other purposes; to the Committee on Ways and Means.

By Mr. FISH (for himself, Mr. HUGHES, Mr. MOORHEAD, and Mr. FEIGHAN):

H.R. 3954. A bill to amend the Clayton Act regarding interlocking directorates and officers; to the Committee on the Judiciary.

By Mr. HANSEN (for himself, Mr. RAY, Mr. NIELSON of Utah, Mr. OWENS of Utah, Mr. FAZIO, Mr. MATSUI, Mr. BUSTAMANTE, Mr. GONZALEZ, Mr. WATKINS, Mr. EDWARDS of Oklahoma, Mr. MCCURDY, Mr. SMITH of Texas, Mr. MCEWEN, Mr. KASICH, Mr. DEWINE, Mr. ENGLISH, Mr. HALL of Ohio, Mr. ROWLAND of Georgia, Mr. MILLER of Ohio, Mr. THOMAS of Georgia, and Mr. WOLPE):

H.R. 3955. A bill to increase the authority of the Secretary of Defense to transfer unobligated balances between accounts of the Department of Defense for fiscal year 1988 and to require the Secretary to use a portion of that authority to provide needed funds for depot maintenance activities and civilian personnel salaries; jointly, to the Committees on Appropriations and Armed Services.

By Mr. JEFFORDS (for himself, Mr. STANGELAND, Mr. OBEY, Mr. GUNDERSON, Mr. HOPKINS, Mr. COELHO, Mr. APPLEGATE, Mr. TOWNS, Mr. GILMAN, Mr. BOEHLERT, Mr. MARTIN of New York, Mr. PENNY, Mr. GEJDENSON, Mr. KASTENMEIER, Mr. LAGOMARSINO, Mr. WORTLEY, Mr. CHAPMAN, Mr. HORTON, Mrs. JOHNSON of Connecticut, Mr. AUCOIN, Mr. FAUNTROY, Mr. ROTH, Mr. PETRI, Mr. WEBER, Mr. OBERSTAR, and Mr. CLINGER):

H.R. 3956. A bill to amend section 201(d)(1)(D) and (E) of the Agricultural Act of 1949; to the Committee on Agriculture.

By Mr. KOSTMAYER (for himself and Mr. RITTER):

H.R. 3957. A bill to establish the Delaware and Lehigh Navigation Canal National Heritage Corridor in the Commonwealth of Pennsylvania; to the Committee on Interior and Insular Affairs.

H.R. 3958. A bill to direct the Secretary of the Interior to rehabilitate and preserve the Delaware Canal and the Lehigh Canal in the Commonwealth of Pennsylvania in accordance with the provisions of the Historic Sites Act; to the Committee on Interior and Insular Affairs.

By Mr. OWENS of Utah:

H.R. 3959. A bill to amend the Impoundment Control Act of 1974 to provide that a rescission of budget authority proposed by the President take effect unless Congress specifically adopts a joint resolution disapproving the proposed rescission; jointly, to the Committees on Government Operations and Rules.

By Mr. RAVENEL (for himself, Mr. TALLON, Mr. SPRATT, Mr. DERRICK, Mrs. PATTERSON, and Mr. SPENCE):

H.R. 3960. A bill to authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CONYERS:

H.R. 3961. A bill to require each State that receives a grant for adult education pursuant to section 304(a) of the Adult Education Act to reserve not less than 10 percent of funds provided under the grant for corrections education and education for other institutionalized individuals; to the Committee on Education and Labor.

By Mr. HUTTO (for himself, Mr. JONES of North Carolina, Mr. DAVIS of Michigan, Mr. BIAGGI, Mr. ANDERSON, Mr. STUDDS, Mr. HUBBARD, Mr. HUGHES, Mr. LOWRY of Washington, Mr. TAUZIN, Mr. FOGLIETTA, Mr. HERTEL, Mr. DYSON, Mr. LIPINSKI, Mr. BORSKI, Mr. CARPER, Mr. BOSCO, Mr. TALLON, Mr. THOMAS of Georgia, Mr. ORTIZ, Mr. BENNETT, Mr. MANTON, Mr. PICKETT, Mr. BRENNAN, Mr. HOCHBRUECKNER, Mr. LENT, Mr. SHUMWAY, Mr. FIELDS, Mr. BATEMAN, Mr. SAXTON, Mr. MILLER of Washington, Mrs. BENTLEY, Mr. COBLE, Mr. SWEENEY, Mr. DIOGUARDI, Mr. WELDON, Mrs. SAIKI, Mr. HERGER, Mr. BUNNING, and Mr. KONNYU):

H.J. Res. 456. Joint resolution to direct the Postmaster General to issue a commemorative stamp to honor the 200th anniversary of the U.S. Coast Guard; to the Committee on Post Office and Civil Service.

By Mr. LEWIS of Georgia:

H.J. Res. 457. Joint resolution designating April 17-23, 1988, as "National Minority Cancer Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. THOMAS A. LUKEN (for himself and Mr. HAMILTON):

H.J. Res. 458. Joint resolution to designate October 6, 1988, as "German-American Day"; to the Committee on Post Office and Civil Service.

By Mr. MILLER of California (for himself, Mr. HAWKINS, Mr. ROYBAL, Mr. DYMALLY, Mr. MARTINEZ, Mr. MATSUI, Mr. WAXMAN, Ms. PELOSI, Mr. MINETA, Mr. COELHO, Mr. PANETTA, Mr. FAZIO, Mr. LANTOS, Mr. EDWARDS of California, Mr. BERMAN, Mr. STARK, Mr. BOSCO, Mr. COLEMAN of Texas, Mr. RICHARDSON, Mrs. PATTERSON, Mr. DORNAN of California, Mr. PORTER, Mr. KOSTMAYER, Mr. DEFAZIO, Mr. HAYES of Illinois, Mr. BEILENSON, Mr. HORTON, Mr. FRENZEL, Mr. LEHMAN of California, Mr. WILSON, Mr. BROWN of Colorado, Mr. SMITH of Florida, Mr. ROE, Mr. SAWYER, Mrs. BOXER, Mr. NEAL, Mr. MRAZEK, Mr. VENTO, Mr. WYDEN, Mr. HOWARD, Mr. HUGHES, Mr. LIPINSKI, Mr. HOYER, Mr. DE LUGO, Mr. BUECHNER, Mr. KOLBE, Mr. SHUMWAY, Mr. FROST, Mr. SIKORSKI, Mr. OWENS of Utah, Mr. KASTENMEIER, Mr. HARRIS, Mr. FISH, Mr. LOWERY of California, Mr. TORRICELLI, Mr. DELLUMS, Mr. LEHMAN of Florida, Mr. OWENS of New York, Mr. CAMPBELL, Mr. MORRISON of Connecticut, Mr. DIXON, Mr. RODINO, Mr. HOCHBRUECKNER, Mr. LOWRY of Washington, Mr. TOWNS, Mr. PEPPER, Mr. GREEN, Mr. MCHUGH, Mr. GORDON, Mr. KOLTER, Mr. RAHALL, Mr. MCCLOSKEY, Mr. MURTHA, Mr. LAGOMARSINO, Mr. KLECZKA, Mr. BOUCHER, Ms. OAKAR, Mr. JENKINS, Mr. LEVINE of California, Mr. CARDIN, Mr. JONTZ, Mr. WORTLEY, Mr. WEISS, Mr. GARCIA, Mr. LENT, Mr. TAUKE, Mr. BROWN of California, Mr. FLAKE, Mr. DWYER of New Jersey, Mr. JACOBS, Mr. STAGGERS, Mr. BILBRAY, Mr. TALLON, Mr. TAUZIN, Mr. EVANS, Mr. FAWELL, Mr. LELAND, Mr. DE LA GARZA, Mr. WALGREN, Mr. YATES, Mr. CHANDLER, Mr. THOMAS of California, Mr. WELDON, Mr. ERDREICH, Mr. ANDERSON, Mr. CLARKE, Mr. BORSKI, Mr. MOODY, Mrs. COLLINS, Mrs. BENTLEY, Mr. MURPHY, Mr. CONYERS, Mr. HENRY, Mr. NICHOLS, Mr. PASHAYAN, Mr. DURBIN, Mr. DARDEN, Mr. JOHNSON of South Dakota, and Mr. GEJDENSON):

H.J. Res. 459. Joint resolution to designate April 21, 1988, as "John Muir Day"; to the Committee on Post Office and Civil Service.

By Mr. MORRISON of Washington (for himself, Mr. BARNARD, Mr. BENNETT, Mr. BERMAN, Mr. BEVILL, Mr. BLILEY, Mr. BOLAND, Mr. BOUCHER, Mr. BROOKS, Mr. BUECHNER, Mr. CALLAHAN, Mr. CARPER, Mr. CHANDLER, Mr. CHAPMAN, Mrs. COLLINS, Mr. CROCKETT, Mr. DICKS, Mr. DORGAN of North Dakota, Mr. DORNAN of California, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. DYSON, Mr. EMERSON, Mr. FAWELL, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FLIPPO, Mr. FLORIO, Mr. FOLEY, Mr. FRENZEL, Mr. FUSTER, Mr. GARCIA, Mr. GEJDENSON, Mr. GEKAS, Mr. GRAY of Illinois, Mr. GREEN, Mr. HARRIS, Mr. HATCHER, Mr. HAYES of Illinois, Mr. HEFNER, Mr. HORTON, Mr. HOWARD, Mr. HUBBARD, Mr. HYDE, Mrs. JOHNSON of Connecticut, Mrs. KENNELLY, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LEHMAN of Florida, Mr. LENT, Mr. LEVINE of California, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. LIPINSKI, Mr. LIVINGSTON, Mrs. LLOYD, Mr. LOTT, Mr. LOWRY of Washington, Mr. MCDADE, Mr. MCGRATH, Mr. MCHUGH, Mr. MCMILLEN of Maryland, Mr. MACKAY, Mr. MARTIN of New York, Mr. MILLER of California, Mr. MILLER of Washington, Mr. MOAKLEY, Mr. MOLINARI, Mr. MONTGOMERY, Mr. MORRISON of Connecticut, Mr. MURPHY, Mr. MURTHA, Mr. NEAL, Mr. NELSON of Florida, Mr. NICHOLS, Ms. OAKAR, Mr. OBERSTAR, Mr. OWENS of New York, Mr. PANETTA, Mrs. PATTERSON, Mr. PEPPER, Mr. RAVENEL, Mr. RHODES, Mr. RINALDO, Mr. ROBERTS, Mr. ROBINSON, Mr. RODINO, Mr. ROE, Mr. ROSTENKOWSKI, Mrs. ROUKEMA, Mr. ROWLAND of Georgia, Mr. RUSSO, Mrs. SAIKI, Mr. SAXTON, Mr. SCHUETTE, Mr. DENNY SMITH, Mr. SMITH of Florida, Mr. SMITH of New Hampshire, Mr. SOLARZ, Mr. SPENCE, Mr. SPRATT, Mr. STAGGERS, Mr. STENHOLM, Mr. SUNIA, Mr. TALLON, Mr. TAUKE, Mr. TOWNS, Mr. TRAFICANT, Mr. TRAXLER, Mr. VALENTINE, Mr. VANDER JAGT, Mr. WALGREN, Mr. WEISS, Mr. WILSON, Mr. WOLPE, Mr. WORTLEY, Mr. WYDEN, Mr. YATRON and Mr. YOUNG of Alaska):

H.J. Res. 460. Joint resolution to authorize and request the President to issue a proclamation designating April 24, 1988, through April 30, 1988, as "National Organ Tissue Donor Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. TAUKE (for himself, Mr. HALL of Texas, Mr. CHAPMAN, Mr. PICKLE, Mr. WHITTAKER, Mr. EMERSON, Mr. SIKORSKI, Mr. HATCHER, Mr. GRANT, Mr. ROBERTS, Mr. BOUCHER, Mr. TALLON, Mr. STENHOLM, Mr. SCHUETTE, Mr. WEBER, Mr. HUTTO, Mr. DAUB, Mr. COLEMAN of Missouri, and Mr. JONTZ):

H.J. Res. 461. Joint resolution designating the week beginning May 15, 1988, as "National Rural Health Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ (for himself, Mr. FASCELL, Mr. BROOMFIELD, Mr. LEACH of Iowa, Mr. ATKINS, Mr. SUNIA, Mr. TORRICELLI, Mr. ACKERMAN, Mr. BLAZ, Mr. LAGOMARSINO, Ms. SNOWE, and Mr. SOLOMON):

H. Con. Res. 246. Concurrent resolution condemning the bombing by North Korean agents of Korean Air Lines flight 858; to the Committee on Foreign Affairs.

By Mr. RODINO:

H. Res. 378. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on the Judiciary in the 2d session of the 100th Congress; to the Committee on House Administration.

By Mr. HUNTER:

H. Res. 379. Resolution condemning the Soviet Union's and the Democratic Republic of Afghanistan's policies of repression of ac-

curate news coverage of the war in Afghanistan and for other purposes; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

268. By the SPEAKER: Memorial of the General Assembly, Commonwealth of Pennsylvania, relative to a stamp commemorating the 50th Anniversary of the Pennsylvania Turnpike; to the Committee on Post Office and Civil Service.

269. Also, memorial of the House of Representatives, Commonwealth of Pennsylvania, relative to amending the Budget Reconciliation Law of 1987, to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MONTGOMERY:

H.R. 3962. A bill for the relief of Cornel H. Petrassevich; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 3963. A bill for the relief of the T.W. Rounds Co. of Providence. RI; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 80: Mr. KANJORSKI.

H.R. 341: Mr. FEIGHAN.

H.R. 608: Mr. LAFALCE.

H.R. 817: Mr. HANSEN, Mr. SUNDQUIST, Mr. BUNNING, Mr. HUCKABY, Mr. LOTT, and Mr. WELDON.

H.R. 1115: Mr. DE LUGO.

H.R. 1143: Mr. MANTON.

H.R. 1342: Mr. MANTON.

H.R. 1516: Mr. ST GERMAIN.

H.R. 1546: Mrs. BYRON.

H.R. 1583: Miss SCHNEIDER, Mr. WEBER, Mr. SCHUMER, Mr. SUNDQUIST, Mr. SWEENEY, Mr. MACK, Mr. AUCOIN, Mr. SHARP, Mr. GUNDERSON, Mr. DANNEMEYER, Mr. MILLER of California, Mr. BUNNING, Mrs. ROUKEMA, Mr. GREEN, Mr. BROWN of Colorado, and Mr. MILLER of Washington.

H.R. 1604: Mr. SUNDQUIST, Mr. THOMAS of Georgia, Mr. BOLAND, Mr. CARDIN, Mr. HORTON, and Mr. CAMPBELL.

H.R. 1638: Mr. MOAKLEY, Ms. OAKAR, and Mr. FEIGHAN.

H.R. 1692: Mr. MAZZOLI, Mr. SCHAEFER, Mr. MACK, Mr. FLAKE, Mr. NELSON of Florida, Mr. APPLEGATE, Mr. MURTHA, Mr. MILLER of Ohio, Mr. OXLEY, Mr. BUNNING, Mr. BILIRAKIS, and Mr. THOMAS A. LUKEN.

H.R. 1769: Mr. TOWNS.

H.R. 1917: Ms. PELOSI.

H.R. 1971: Mr. MINETA.

H.R. 1975: Mr. BLILEY.

H.R. 2125: Mr. BATEMAN.

H.R. 2246: Mr. SWINDALL, Mr. FOGLIETTA, Mr. DE LA GARZA, Mr. SCHUETTE, and Mr. TRAXLER.

H.R. 2260: Mr. RHODES, Mr. LEHMAN of Florida, Mr. GEKAS, and Mr. DURBIN.

H.R. 2357: Mr. DAVIS, of Illinois, Mr. CAMPBELL, Mr. MARTINEZ, Ms. KAPTUR, Mr. CONYERS, Mr. LANCASTER, Mr. STOKES, Mr. BUECHNER, Mr. MAZZOLI, and Mr. SUNIA.

H.R. 2532: Mr. BONKER.

H.R. 2621: Mr. MILLER of Washington, Mr. CARPER, Mr. WOLPE, Mr. SHAYS, and Ms. PELOSI.

H.R. 2707: Mr. SUNDQUIST and Mr. LEVINE of California.

H.R. 2793: Mr. CRAIG.

H.R. 2988: Mr. DE LUGO, Mr. DARDEN, Mr. PACKARD, Mr. DOWDY of Mississippi, Mr. HAMMERSCHMIDT, Mr. CRAIG, Mr. ROBERT F. SMITH, and Mr. DEFAZIO.

H.R. 3054: Mr. GEJDENSON.

H.R. 3065: Mr. MCEWEN, Mr. FLIPPO, Mr. GORDON, Mr. DAVIS of Michigan, Mr. JEFFORDS, Mr. PRICE of North Carolina, Mr. TOWNS, and Mr. HEFLEY.

H.R. 3071: Mr. SMITH of Florida.

H.R. 3133: Mr. SMITH of Florida, Mr. DIXON, Mr. LEHMAN of Florida, Mr. MRAZEK, Mr. FLORIO, Mr. MOAKLEY, and Mr. FAUNTROY.

H.R. 3241: Mr. GRAY of Illinois.

H.R. 3250: Mr. LAGOMARSINO, Mr. NATCHER, Mr. COYNE, Mr. SHUMWAY, and Mr. MCEWEN.

H.R. 3280: Mr. SMITH of New Hampshire.

H.R. 3375: Mr. MOODY.

H.R. 3410: Mr. DE LUGO and Mr. HYDE.

H.R. 3455: Mr. FUSTER, Mr. RODINO, Mrs. LLOYD, Mr. OWENS of New York, Mrs. MORELLA, Mr. HORTON, Mr. ROE, Mr. SKELTON, and Mr. LEWIS of California.

H.R. 3467: Mrs. ROUKEMA.

H.R. 3505: Mr. BUECHNER and Mr. CROCKETT.

H.R. 3511: Mr. HOWARD, Mr. GONZALEZ, and Mr. HALL of Ohio.

H.R. 3523: Mr. SYNAR.

H.R. 3553: Mr. FOGLIETTA, Mr. SKEEN, Mr. LUJAN, Mr. HUGHES, Mr. HAYES of Illinois, Mr. MURPHY, Mr. TOWNS, and Mr. THOMAS of California.

H.R. 3565: Mr. BEREUTER, Mr. UPTON, and Mr. NIELSON of Utah.

H.R. 3635: Mr. FAZIO and Mr. WILLIAMS.

H.R. 3660: Mr. WHITTAKER, Mr. KONNYU, Mr. JOHNSON of South Dakota, Mr. MAZZOLI, Mr. GLICKMAN, Mr. HOCHBRUECKNER, Mr. CHAPMAN, Mr. MCMILLEN of Maryland, Mr. SHAYS, Mr. CONTE, Mr. BOLAND, Mr. MAVROULES, Mr. TALLON, Mr. HERTEL, Mr. ORTIZ, and Mr. BOEHLERT.

H.R. 3669: Mrs. BOXER.

H.R. 3671: Mr. BIAGGI, Mr. CARDIN, Mr. CROCKETT, Mr. DE LA GARZA, Mr. DE LUGO, Mr. EDWARDS of California, Mr. GONZALEZ, Mr. LEVIN of Michigan, Mr. MCMILLEN of Maryland, Mr. OWENS of New York, Mr. RODINO, Mr. TRAFICANT, and Mr. WEISS.

H.R. 3769: Ms. PELOSI.

H.R. 3791: Mr. WORTLEY, Mr. SMITH of Florida, Mr. RAVENEL, Mr. CHAPMAN, Mr. GALLO, Mrs. BYRON, and Mr. MYERS of Indiana.

H.R. 3792: Mr. BENNETT, Mr. LENT, Mr. MORRISON of Connecticut, Mr. LANCASTER, Mr. ACKERMAN, Mr. GORDON, Mr. SCHUMER, Mr. CONTE, Mr. LEVIN of Michigan, Mr. GARCIA, Ms. PELOSI, Mr. OWENS of New York, Mr. MCGRATH, Mr. HARRIS, Mr. MANTON, and Mr. MARTINEZ.

H.R. 3814: Mr. COUGHLIN, Mrs. VUCANOVICH, and Mr. DARDEN.

H.R. 3830: Mr. HORTON, Mr. ACKERMAN, Mr. HUGHES, and Mr. SHAW.

H.R. 3841: Mr. SCHUETTE and Mr. HYDE.

H.R. 3844: Mr. HAMMERSCHMIDT, Mr. GRANDY, Mr. LEACH of Iowa, Mr. SWEENEY, Mr. DAVIS of Michigan, and Mr. HENRY.

H.R. 3850: Mr. BILBRAY, Ms. KAPTUR, Mrs. BOXER, Mr. DEFAZIO, Mr. SHARP, Mr. LEWIS of Forida, Mr. BUSTAMANTE, Mr. HOPKINS, Mr. HILER, Mr. HAMILTON, Mr. FAZIO, Mr. APPLEGATE, Mr. DERRICK, Mr. ROWLAND of Georgia, Mr. JACOBS, Mr. GRAY of Illinois, and Mr. NIELSON of Utah.

H.R. 3865: Mr. SPRATT, Mr. WILSON, Mr. STANGELAND, Mr. SHUMWAY, Mr. DAVIS of Michigan, Mr. MARTIN of New York, Mr. ORTIZ, Mr. MCEWEN, Mr. BURTON of Indiana, Mr. HILER, Mr. BUSTAMANTE, and Mr. HASTERT.

H.R. 3870: Mr. HUGHES.

H.R. 3878: Mr. GILMAN.

H.R. 3879: Mr. ACKERMAN, Mr. MOAKLEY, Mr. OWENS of New York, Mr. PENNY, Mr. MFUME, Mr. SOLARZ, Mr. HAYES of Illinois, Mr. HALL of Ohio, Mr. DE LUGO, Mr. GILMAN, Mr. HORTON, Mr. DORGAN of North Dakota, Mr. BERMAN, Mr. TOWNS, Mr. KOSTMAYER, Ms. PELOSI, Mr. FAUNTROY, and Mr. WEISS.

H.R. 3883: Mr. BORSKI, Mr. PENNY, Ms. KAPTUR, Mr. TALLON, Mr. SUNIA, Mr. MATSUI, Mr. HAYES of Illinois, Mr. SIKORSKI, Mr. FLORIO, Mr. GRAY of Illinois, Mr. DORNAN of California, Mr. CRAIG, Mr. MORRISON of Washington, Mr. DYMALLY, and Mr. WYDEN.

H.R. 3888: Mr. JOHNSON of South Dakota.

H.R. 3893: Mr. KLECZKA, Mr. COATS, Mr. HAMMERSCHMIDT, Mrs. ROUKEMA, Mr. RITTER, Mr. DERRICK, and Mr. QUILLEN.

H.R. 3907: Mr. BROWN of Colorado, Mr. SYNAR, Mr. DOWDY of Mississippi, Mr. SWEENEY, Mr. HAMMERSCHMIDT, Mr. RICHARDSON, Mr. SHARP, Mrs. MARTIN of Illinois, Mr. JONES of Tennessee, and Mr. MCDADE.

H.R. 3914: Mr. LEWIS of Georgia, Mr. LAGOMARSINO, Mr. DE LUGO, Mr. HOYER, Mr. FAUNTROY, Mr. DIXON, Mr. GREEN, and Mrs. BOGGS.

H.R. 3936: Mr. CHAPPELL.

H.J. Res. 192: Mr. SCHUETTE.

H.J. Res. 377: Mr. BIAGGI, Mr. BOSCO, Mr. DERRICK, Mr. DOWDY of Mississippi, Mr. FOLEY, Mr. HANSEN, Mr. LEACH of Iowa, Mr. MILLER of California, Mr. WAXMAN, Mr. MILLER of Ohio, Mr. MOAKLEY, and Mr. MORRISON of Connecticut.

H.J. Res. 383: Mr. BENNETT, Mr. PACKARD, Mr. HALL of Texas, Mr. HALL of Ohio, Mr. CHAPMAN, Mr. MCCLOSKEY, Mr. OBEY, Mr. WHITTAKER, Mr. CRANE, Mr. SYNAR, and Mrs. PATTERSON.

H.J. Res. 398: Mr. DONNELLY, Mr. HENRY, Mr. JONES of North Carolina, Mr. WYDEN, Mr. MOODY, Mrs. LLOYD, Mr. LIPINSKI, Mr. SMITH of Florida, Mrs. ROUKEMA, Mr. HORTON, Mr. KASICH, Mr. BILBRAY, Mr. MCCLOSKEY, Mr. FAZIO, Mr. BLILEY, Mr. FOGLIETTA, and Mr. MATSUI.

H.J. Res. 428: Mr. LEVIN of Michigan, Mr. BROOMFIELD, Mr. HENRY, and Mr. MARTINEZ.

H. Con. Res. 232: Mr. KONNYU, Mr. HOLLOWAY, Mr. BROWN of California, Mr. SOLOMON, Mr. OXLEY, Mr. DE LA GARZA, Mrs. ROUKEMA, Mr. BENNETT, Mr. PEPPER, and Mr. TAUZIN.

H. Con. Res. 237: Mr. LEHMAN of Florida, Mr. DWYER of New Jersey, Mr. EDWARDS of California, Mrs. BOXER, Mr. SHAYS, Mr. SWINDALL, Mr. LEWIS of Georgia, Mrs. BYRON, Mr. HAYES of Illinois, Mr. RINALDO, Mr. BATES, Mr. BORSKI, Mr. JACOBS, Mr. BEILENSON, Mr. SCHAEFER, Mr. TALLON, Mr. LEVINE of California, Mr. RUSSO, Mr. GALLEGLY, Mr. ST GERMAIN, Mr. FASCELL, Mr. PICKLE, Mr. FUSTER, Mr. KENNEDY, Mr. DEFAZIO, Mr. STAGGERS, Mr. OWENS of Utah, Mrs. LLOYD, Mr. TRAXLER, Mr. FORD of Tennessee, Mr. MAZZOLI, Mr. CHANDLER, and Mr. LUJAN.

H. Con. Res. 238: Mr. PENNY.

H. Con. Res. 241: Mr. WEISS, Mr. SCHEUER, Mr. OBERSTAR, Mrs. BOXER, Mr. FAUNTROY, Mr. MARTINEZ, Mr. MILLER of California, and Mr. JONTZ.

H. Res. 225: Mr. HUTTO and Mr. VANDER JAGT.

H. Res. 272: Mr. RANGEL, Mr. CHAPMAN, Mr. BUNNING, Mr. BATEMAN, Mr. ORTIZ, Mr. SWINDALL, Mr. TRAFICANT, Mr. FISH, and Mr. EDWARDS of Oklahoma.

H. Res. 300: Mr. INHOFE, Mr. BLILEY, and Mr. HUGHES.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H. R. 3378: Mr. THOMAS of Georgia.

H. R. 3635: Mr. DEFAZIO.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

123. By the SPEAKER: Petition of the county council of Hilo, Hawaii, relative to improvements to Saddle Road, to the Committee on Armed Services.

124. Also, petition of the city council of Pittsburgh, PA, relative to the Community Housing Partnership Act; to the Committee on Banking, Finance and Urban Affairs.